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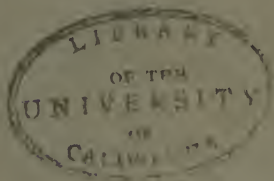
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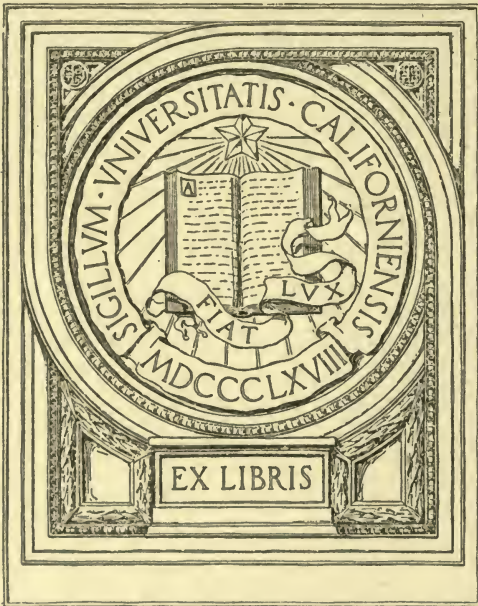
COMPILATION OF NEW MEXICO
SCHOOL LAWS



J. H. WAGNER
Superintendent of Public Instruction
Santa Fe, New Mexico

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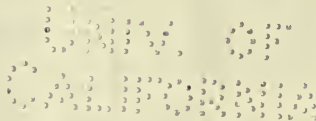
SCHOOL LAWS

of the

STATE *of* NEW MEXICO

1919

New Mexico. Laws, statutes, etc.



JONATHAN H. WAGNER
State Superintendent of Public Instruction

LB2529
N63
1919

SCHOOL LAWS

STATE OF NEW MEXICO

Compilation by
IRA L. GRIMSHAW

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1919

TO THE
SCHOOL LAWS

PRESS OF
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ALBUQUERQUE, N. M.



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CHAPTER 1.

STATE DEPARTMENT OF EDUCATION

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STATE BOARD OF EDUCATION.

(ARTICLE I.)

- (1) Creation.
- (2) Appointment; terms.
- (3) Meetings; Pres. pro tem.
- (4) Compensation.
- (5) Appropriations.
- (6) Powers, general.
- (7) Teachers' certificates.
- (8) Teachers' certificates.
- (9) Repeal.
- (10) Teachers' certificates.
- (11) Text books.
- (12) Business colleges.
- (13) Domestic science and manual training

(1) Constitutional creation.

A State Board of Education is hereby created, to consist of seven members. It shall have the control, management and direction of all public schools, under such regulations as may be provided by law. The Governor and the State Superintendent of Public Instruction shall be ex-officio members of said board and the remaining five members shall be appointed by the Governor, by and with the consent of the Senate; and shall include the head of some State educational institution, a county superintendent of schools, and one other person actually connected with educational work. The Legislature may provide for district or other school officers, subordinate to said board.

(Sec. 6, Art. 12, State Constitution.)

(2) Appointment, terms.

That Section 4808, Code 1915, be and it hereby is amended so as to read as follows: That from and after January 1st, 1921, three members of the State Board of Education shall be appointed by the Governor, by and with the advice and consent of the Senate, for a term of four years and two for a term of two years and until their successors are appointed and qualified, and thereafter every two years the Governor shall appoint two or three members to said board as the case may be, to hold office for a term of four years and until their successors are appointed and qualified.

(Sec. 44, C. 105, L. 1917.)

(3) Meetings, Pres. pro tem.

Sec. 2. That said board shall meet at the office of the Superintendent of Public Instruction four times per year, at such times as it may elect, and upon call of the Governor, or a majority of its members at such other times as the business of the board may require. The Governor shall be president of said board but in his absence some other member of the board may be chosen as president pro tempore.

(C. 82, L. 1915.)

(4) Compensation.

Sec. 3. That the appointive members of said board shall receive five cents per mile for each mile actually and necessarily traveled by them from and to their respective place of residence for the purpose of attending each meeting of the board, and five dollars per day for each day of actual and necessary attendance upon such meetings, and upon the filing with the State Auditor of verified accounts therefor, same shall be paid out of the interest on deposits fund upon warrants drawn by said State Auditor upon the State Treasurer.

(C. 82, L. 1915.)

(5) Appropriations.

Eighth and ninth fiscal years.

Per diem and traveling expenses.....\$1,000

(S. B. 75, L. 1919.)

(6) § 4809. General Powers.

Sec. 3. The State Board of Education shall have power to grant, renew and revoke teachers' certificates, to adopt a series of text books and a uniform course of study for the various public schools of the State, to exercise a general control over teachers' institutes, and to perform such other duties pertaining to matters of education as may be provided by law.

(L. 1907, C. 97. §2.)

(7) State Elementary Teachers' Certificates.

The State Board of Education is hereby empowered to issue three grades of elementary teachers' certificates, to be known as first grade, second grade and third grade, respectively. The certificates shall be issued by said Board of Education upon examination in such subjects as it may elect, or upon the applicants presenting grades in the subjects as required by said board from any of the educational institutions of the state. The said examination shall be held at such times, at such places, and in such manner as said board deems most expedient. The examination for elementary teachers' certificates shall be conducted by the county superintendent under such rules and regulations as such Board of Education may prescribe. Upon the close of the examination the county superintendent shall forward the papers of the applicant to the superintendent of public instruction, who shall grade them, or cause them to be graded. The superintendent of public instruction is hereby authorized to employ such person or persons to assist him in grading the papers of applicants as he may judge competent. To pay the service of such person or persons twelve hundred (\$1200.00) dollars is hereby set aside annually, or so much thereof as is necessary, out of any funds not otherwise appropriated. The State Auditor shall pay such persons for their services upon presenting receipted bills approved by the Superintendent of Public Instruction. Holders of elementary certificates shall be entitled to teach in any school district, independent district, incorporated town, city or village of the State. A third grade certificate entitles the holder thereof to teach for one year, second grade two years, and the first grade three years, respectively. All certificates shall be void at the expiration of the term for which they were issued, but such certificates excepting third grade certificates may be renewed under regulations as the State Board shall adopt. Teachers in incorporated towns and villages must secure their certificates in accordance with the provisions of this act, but boards of education of incorporated cities may issue teachers' certificates for such period of time and under such regulations as they may prescribe, but such certificates shall be valid only in the city whose board issues them.

(§1, C. 81, L. 1915.)

(8) State Professional Teachers' Certificates.

The State Board of Education is hereby authorized to issue state teachers' professional certificates to persons whom it may deem qualified by reason of moral character, academic scholarship, knowledge of the theory and art of teaching and actual practice in teaching. Holders of the certificates who possess a certificate of attendance upon some county normal institute or summer school as herein provided by law, shall be entitled, without further examination, to teach in any of the public schools of New Mexico for the period of time designated therein.

The State Board of Education is hereby empowered to officially endorse teachers' certificates granted in states and other territories, under such rules as it may prescribe; and to grant certificates of the first, second and third grade to persons who have completed specified courses, approved by the State Board of Education, in New Mexico State educational institutions or other schools designated by said board; Provided, That upon graduation from St. Michael's College, located at Santa Fe, the holder of a diploma from the full course of study given by said institution shall be entitled to an elementary first grade certificate, which shall be recognized in all counties of the state as a legal certificate for the period of time designated therein.

The State Board of Education shall have power to issue special certificates to teachers of drawing, music, kindergarten or primary subjects, agriculture, manual training, domestic science and commercial branches in the common or public graded or high schools of the state, under such regulations as the State Board of Education may adopt.

(§2, C. 81, L. 1915.)

(9) Repeal.

Sections 3 and 4 of Chapter 97 of the Laws of 1907 (§4810, §4811) and all other acts and parts of acts in conflict herewith are hereby repealed.

(§3, C. 81, L. 1917.)

(10) § 4814. Revoking certificates.

Sec. 8. The State Board of Education is hereby empowered to revoke certificates of conductors and instructors of teachers' institutes, State teachers' professional certificates,

county teachers' certificates, and city teachers' certificates issued by boards of education, for incompetency, immorality of the holder, or for any cause that should have withheld the issue of such certificate; Provided, That in each case the accused shall be allowed a full and fair hearing at which he may be privileged to employ the services of counsel.

(L. 1907, C. 97, §7.)

(11) § 4816. Text books.

Sec. 10. The State Board of Education shall have, and is hereby vested with full power to adopt a system of school books for the use of the public schools of the State, and only the school books so adopted by said Board shall be used in any of the first eight grades of the public schools of this State. The Board of Education shall have power to contract with the publisher or publishers of text books adopted for use in the public schools of New Mexico, in the name of the State and through the Superintendent of Public Instruction for the purchase and delivery of said books under such regulations as the Board may adopt.

If the State Board of Education, the Superintendent of Public Instruction, any county superintendent, or any board of school directors, or board of education in this State shall knowingly permit, in any of the first eight grades of the public schools of this State, the use of any text book or books other than such as are adopted by the State Board of Education, upon conviction thereof, the person or persons convicted shall be punished by a fine of not less than ten (\$10.00) dollars nor more than one hundred (\$100.00) dollars; Provided, That nothing herein contained shall prevent the use of text books, approved by the State Board of Education or the Superintendent of Public Instruction, supplementary to the regularly adopted text books.

(L. 1907, C. 97, §9.)

(12) § 4817. Business colleges, powers of board.

Sec. 11. That the State Board of Education be and the same is hereby authorized and empowered to adopt a standard of efficiency for business colleges and commercial departments of other schools, to issue certificates of recognition to such schools as meet the required standard and to issue permits as hereinafter provided.

(L. 1913, C. 77, §1.)

(13) § 4818. Domestic science and manual training.

Sec. 12. That the State Board of Education is hereby empowered to prescribe and adopt a course of study in industrial education, including domestic science, manual training and agriculture, and make such necessary rules and regulations for its teaching in the public schools. In the preparation of the institute manuals for the coming year, the State Board of Education may include a course of study in industrial education and may require all teachers attending county institutes and summer normal schools to pass an examination in one or more of the branches of industrial education.

(L. 1912, C. 52, §1.)

STATE SUPERINTENDENT OF PUBLIC INSTRUCTION.

(ARTICLE 2.)

- (1) Constitutional creation; terms, residence.
- (2) Office; evidence.
- (3) Eligibility.
- (4) Compensation.
- (5) Appropriations.
- (6) Appropriations.
- (7) General powers and duties.
- (8) Secretary State Board.
- (9) Rural schools; traveling expenses.
- (10) Permits.
- (11) School law; Lincoln Day.
- (12) School law; compilation.
- (13) School law; payment.
- (14) School law; distribution.
- (15) Annual reports.
- (16) Annual reports.

(1) Constitutional creation, term, residence.

The executive department shall consist of a Governor, Lieutenant Governor, Secretary of State, State Auditor, State Treasurer, Attorney General, Superintendent of Public Instruction and Commissioner of Public Lands, who shall be elected for a term of two years beginning on the first day of January next after their election. Such officers shall, after having served two consecutive terms, be ineligible to hold any state office for two years thereafter.

The officers of the executive department, except the Lieutenant Governor, shall during

their terms of office, reside and keep the public records, books, papers and seals of office at the seat of government.

(§1, Art. 5, State Constitution.)

(2) **§ 4828. Office, evidence.**

Sec. 22. The office of the superintendent of public instruction shall be at the seat of government where shall be kept all books and papers pertaining to the business of his office, and copies of all papers filed. His official acts may be certified by him, and when so certified to shall be received in the courts of, or elsewhere in, New Mexico, as evidence equally and in like manner as the original papers, and he shall deliver to his successor within ten days after the expiration of his term, all books, papers, documents and other property belonging to his office.

(L. 1907, C. 97, §17.)

(3) **Eligibility.**

(Must be a citizen of U. S., at least thirty years of age, continuously resided in New Mexico for five years next preceding election and a trained and experienced educator.)

(§3, Art. 5, State Constitution.)

(4) **Compensation.**

(Superintendent of Public Instruction, \$3,000 per annum.)

(§12, Art. 5, State Constitution.)

(5) **Appropriations.**

For eighth and ninth fiscal years, respectively:

Superintendent	\$ 3,000
Chief Clerk	1,800
Clerk	1,500
Stenographer	1,200
Contingent and traveling expenses of Superintendent, Assistant and Industrial Director	11,000
Grading examination papers.....	2,400

(S. B. 75, L. 1919.)

(6) **Appropriations, deficiencies.**

Available for seventh fiscal year.

Grading papers.....	\$1,200
Printing and compiling school laws.....	2,500
Office contingent and traveling expenses of Superintendent and Industrial Director	1,000
Stenographer	1,000

(S. B. 75, L. 1919.)

(7) **§ 4822. General powers and duties.**

Sec. 16. The Superintendent of Public Instruction shall have general supervision of public education, and it shall be his duty to visit the State educational institutions and to meet with governing boards of said institutions at least once in each year. He shall have supervision over rural schools, acting through the county superintendents, who shall be responsible to the Superintendent of Public Instruction for faithful performance of their duty. He shall have such general supervision over city, town, and village schools as shall be necessary in harmonizing and systematizing reports, and in securing uniform operation of the public school system. He is vested with general supervision over the official records and accounts of any school district, independent district, or those of any incorporated city, town, or village, and may require correction thereof, when necessary, personally, or he may delegate this power to the county superintendent. He may suspend the county superintendent and institute, or cause to be instituted, proceedings in a court of competent jurisdiction for the purpose of bringing about the removal of said county superintendent in the manner prescribed by law, when he shall be satisfied from sufficient evidence submitted to him that said county superintendent does not possess the qualifications required or perform his duties as prescribed by the State Board of Education.

The Superintendent of Public Instruction shall, at the request of any county school superintendent or other school officer, give his opinion upon a written statement of the facts on any question of controversy arising out of the interpretation and construction of school laws and shall keep a record of all such decisions.

Upon giving any such opinion the Superintendent may submit the statement of facts to the Attorney General for his advice thereon. It shall be the duty of the Attorney Gen-

eral forthwith to examine such statements and suggest the proper decision to be made upon such facts.

(L 1909, C. 121, §6.)

(8) § 4826. Secretary of the State board of education.

Sec. 20. The Superintendent of Public Instruction shall be secretary of the State Board of Education and shall keep faithful and correct records of its proceedings, which records shall be kept open at all times for inspection. A copy of said record, certified by the secretary of the Board, shall in all cases be received as evidence in the courts of, or elsewhere in, New Mexico.

(L. 1907, C. 97, §15.)

(9) § 4823. Visit rural schools, traveling expenses.

Sec. 17. It shall be the duty of the Superintendent of Public Instruction to visit each county, as often as consistent with the discharge of his other duties, for the purpose of holding teachers' meetings, advising with county superintendents and school directors, and awakening an interest in the cause of education throughout the State. To this end an annual appropriation of seven hundred (\$700.00) dollars, or such a part thereof as may be required, is made for traveling expenses, payable on presentation of certified vouchers and warrants drawn by the Auditor upon the State Treasurer. Said traveling expenses may be incurred by the Assistant Superintendent when acting under the direction of the Superintendent of Public Instruction. Said Superintendent shall file and carefully preserve in his office the official reports made to him by the county superintendents of the several counties, heads of the State educational institutions, and by trustees and directors of all schools of whatever nature within the State.

(L. 1907, C. 97, §12.)

(For traveling expenses, see also herein, "Appropriations," page 10.)

(10) § 4812. Temporary permits to teach.

Sec. 6. The Superintendent of Public Instruction is hereby authorized to issue, pending the regular examination of teachers, permits to teach in the public schools of the State, to persons whose credentials as to ability and experience in teaching properly certified to are deemed sufficient to meet the requirements of the law, and such temporary permits shall expire upon the first day of the next succeeding examination of teachers. County school superintendents shall have like authority in their respective counties, and certificates so issued by county school superintendents shall be good only in the county where issued, and shall not be issued twice in succession to the same person, and shall expire at the next examination of teachers in the said county.

(L. 1907, C. 97, §5.)

(11) § 4824. Blanks, school law, Lincoln Day program.

Sec. 18. Said Superintendent shall prescribe and cause to be prepared in English and Spanish all forms and blanks necessary in carrying out the details of the common school system, so as to secure its uniform operation throughout the State, and cause the same to be forwarded to the several county superintendents to be by them distributed to the several persons entitled to receive the same. He shall cause to be published, as needed, as many copies of the school laws in force, with such forms, decisions, annotations, regulations, and instructions as he may judge expedient thereto annexed, and shall cause the same to be forwarded to the county superintendent for distribution. It shall be the duty of the Superintendent of Public Instruction to prepare a program of patriotic exercises for the proper observance of Lincoln Day, and to furnish printed copies of the same to the school directors and boards of education of various districts, cities, towns and villages, at least four weeks previous to the twelfth day of February in each year; he shall also prepare for the use of the school a printed program providing for a uniform salute to the flag.

(L 1909, C. 121, §7.)

(12) § 4829. Compilation of school laws—Biennial.

Sec. 23. That the superintendent of public instruction shall cause to have compiled, and biennially, shall cause to have printed two thousand copies in English and two thousand in Spanish, in pamphlet form, of all existing school laws of the State of New Mexico, and after each Legislature, if any laws shall have been enacted pertaining to schools he shall, in the first issue of said pamphlets, thereafter, include any school laws that may have been enacted by any such future legislature. In the meaning of this section such pamphlets shall embrace all such school laws in one copy.

(L. 1903, C. 28, §1.)

(13) § 4830. Compilation of school laws—Payment.

Sec. 24. The compilation, printing and distribution of the pamphlets referred to in

the preceding section shall be paid for from any funds in the hands of the State treasurer arising from the rental or leasing of the common school lands, and for this purpose the State auditor is hereby directed and required to draw an order on the State treasurer in favor of the superintendent of public instruction for a sum not exceeding twelve hundred and fifty dollars (\$1,250.00); **Provided**, that such printing and binding shall be let to the lowest responsible bidder.

(L. 1909, C. 121, §2.)

(See also "Appropriations," page 10.)

(14) § 4831. Compilation of school laws—Distribution.

Sec. 25. It shall be the duty of the superintendent of public instruction, before the first day of August of each year, to forward a sufficient number of such pamphlets of compiled school laws to the county superintendent of schools of the several counties of the State of New Mexico. It shall be the duty of the county superintendent to place a copy of said pamphlets in the hands of the chairman of the directors of public schools in each and every district of said county.

(L. 1903, C. 28, §3.)

(15) Annual reports.

Each officer of the executive department * * * shall keep an account of all moneys received by him and make reports thereof to the governor under oath, annually, and at such other times as the governor may require, and shall, at least thirty days preceding each regular session of the legislature, make a full and complete report to the governor, who shall transmit the same to the legislature.

(§9, Art. 5, State Constitution.)

(16) § 4825. Annual report.

Sec. 19. The superintendent shall prepare and cause to be published annually a report of all the common schools, academies, normal schools, colleges, private and sectarian schools in the state, which report shall indicate the number and sex of all persons enrolled in the several schools; the value of the school property, and such other facts as he may deem expedient; the same to be drawn from the reports of the county superintendents and from the reports of school boards, boards of regents, and boards of trustees of the several institutions.

(L. 1907, C. 97, §14.)

**ASSISTANT SUPERINTENDENT OF PUBLIC INSTRUCTION.
(ARTICLE 3.)**

- (1) Appointment; qualifications, salary.
- (2) Appropriation.
- (3) Appropriation.

(1) § 4827. Assistant superintendent salary.

Sec. 21. The superintendent of public instruction is empowered to appoint an assistant superintendent of public instruction, who shall be thoroughly conversant with the Spanish and English languages, and to revoke such appointment at his discretion, and such assistant shall take the oath of office as provided by law, which, with his appointment, shall be filed with the Secretary of State. Said assistant shall receive a salary not to exceed fifteen hundred (\$1500.00) dollars per annum, payable in like manner as is provided for the payment of the salary of the superintendent of public instruction.

(L. 1907, C. 97, §16.)

(2) Appropriations.

Eighth and Ninth Fiscal years, \$2,250.00 each year.

(S. B. 75, L. 1919.)

(3)—Appropriations.

Deficiency available for 7th fiscal year. Salary \$160.00.

(S. B. 75, L. 1919.)

**VOCATIONAL AND INDUSTRIAL EDUCATION.
(ARTICLE 4.)**

- (1) Director Industrial Education; appointment, duties.
- (2) Director; compensation.
- (3) Director; appropriation.
- (4) Director; traveling expenses.
- (5) Acceptance Congressional Act. Vocational education.
- (6) State Board, co-operation.
- (7) Funds; administration.
- (8) Appropriations.
- (9) Levy of taxes.

(1) § 4819. State director of industrial education—Appointment—Duties.

Sec. 13. That the State Superintendent of Public Instruction is hereby empowered and directed to appoint a State Director of Industrial Education, who shall be proficient in the several branches of such education, and who shall, under the direction and supervision of the State Superintendent, have the general charge of the introduction and keeping of industrial education in such of its branches and in such of the public schools of the state as shall be deemed advisable by the State Superintendent and the said Director of Industrial Education, and the said Director shall perform such other duties as may be prescribed by the State Superintendent.

(Act of June 10, 1912; L. 1912, C. 52, §2.)

(2) § 4820. State director of industrial education—Compensation.

Sec. 14. That said Director of Industrial Education shall receive an annual salary of one thousand dollars, payable in like manner as is provided for the payment of the salary of the State Superintendent of Public Instruction, and shall further receive as a part of the salary of said office the sum of thirty dollars from all counties of class "A," the sum of twenty-five dollars from all counties of class "B" and the sum of twenty dollars from all counties of class "C," "D" and "E," said above sums to be set apart by each of the county treasurers in like manner as county institute funds are now provided to be set aside and under like conditions; provided, the said county sums are only to be paid said State Director of Industrial Education by said County Treasurer, upon said Director's visiting and instructing in the various counties in industrial education.

(Act of June 10, 1912; L. 1912, C. 52, §3.)

(3) Salary 8th and 9th fiscal years.

\$2000.00, one thousand dollars thereof to be raised by the levy of a tax.

(S. B. 75, L. 1919.)

(4) § 4821. State director of industrial education—Traveling expenses.

Sec. 15. That, to the end that said Director of Industrial Education may visit the public schools so far as possible, make investigation of school conditions and report same to the State Superintendent of Public Instruction, together with recommendations as to the introduction and teaching of industrial education, an annual appropriation of Six Hundred Dollars, or such part thereof as may be required, is hereby made for traveling expenses in visiting schools and supervising the introduction and teaching of industrial education in said schools payable upon presentation of certified vouchers, duly approved by the State Superintendent of Public Instruction, and warrants drawn by the State Auditor upon the State Treasurer.

(For traveling expenses and deficiencies therefor for 7th, 8th and 9th fiscal years see "Supt. of Public Instruction," page 10.)

(5) Acceptance Congressional Acts.

Sec. 1. That the State of New Mexico does hereby accept the benefits of an act passed by the Senate and House of Representatives of the United States of America in Congress assembled entitled "An Act to provide for the promotion of vocational education; to provide for co-operation with the states in the promotion of such education in agriculture and the trades and industries; to provide for co-operation with the states in the preparation of teachers of vocational subjects; and to appropriate money and regulate its expenditure," approved February 23, 1917, and will observe and comply with all the requirements of said act.

(C. 2, Ex. Sess., 1917.)

(6) Grant of power.

Sec. 2. That the State Board of Education is hereby designated as the State Board for the purposes of the said act and is hereby given all necessary powers to co-operate with the Federal Board of Vocational Education in the administration of the provisions of the act.

(C. 2, Ex. Sess., 1917.)

(7) Funds, Administration

Sec. 3. The State Treasurer shall receive and be custodian of all funds appropriated by the United States Government to the State of New Mexico for the purposes of the above mentioned act and shall pay out the same on the order of the auditor who shall have the authority of the State Board of Education for the drawing of any warrants on this fund, provided that all such payments must be in harmony with the purposes of the said act, and that the State Board of Education shall file with the State Auditor copies of all vouchers covering the expenditure of such funds.

(C. 2, Ex. Sess., 1917.)

(8) Appropriations.

Sec. 4. That there is hereby appropriated the sum of Fifteen Thousand Dollars (\$15,000.00) for each the Sixth and Seventh fiscal years of the State of New Mexico; which sum is to be used and expended and paid out in the same manner as is provided in Section 3 of this Act for the payment of moneys appropriated by the United States.

(C. 2, Ex. Sess., 1917.)

(9) Levy.

Sec. 5. That the State Auditor is hereby directed to levy a tax on all of the taxable property in the State of New Mexico for the Sixth and Seventh fiscal years sufficient to produce an amount equal to that which is hereby appropriated.

(C. 2, Ex. Sess., 1917.)

**CHILD WELFARE SERVICE.
(ARTICLE 5.)**

- (1) Creation; control.
- (2) Board; compensation.
- (3) Director; compensation.
- (4) Appropriation.

(1) Creation—Control

Sec. 1. That the organization known as the Child Welfare Service heretofore operating under the State Council of Defense is hereby established as a permanent Child Welfare Service for the State of New Mexico and placed under the administration of the Department of Education.

(H. B. 227, L. 1919.)

(2) Board—Appointment, Compensation.

Sec. 2. There is hereby established a Child Welfare Board of seven citizens of New Mexico, one of whom shall be ex-officio the State Superintendent of Public Instruction; the other six members to be appointed by the Governor, by and with the advice and consent of the Senate. The terms of office of said members shall be six years, the initial appointments providing two members for two years, two for four and two for six years. Said board shall serve without pay, except necessary traveling expenses in attending meetings.

(H. B. 227, L. 1919.)

(3) Director—Compensation, Powers.

Sec. 3. The Child Welfare Board shall employ a Director of Child Welfare, whose office shall be with the Department of Education and whose salary, office and traveling expenses shall be paid through the Department of Education out of funds to be provided for the Child Welfare Service in the general appropriation act. Said board is authorized to accept such operative aid as may be provided by the government of the United States and to co-operate in its activities with the Federal government, as well as the State Board of Health and voluntary organizations in all matters touching the betterment of the children of the state.

(H. B. 227, L. 1919.)

(Three foregoing sections are effective June 13, 1919.)

(4) Appropriation.

For seventh fiscal year.....	\$4,000.00
For eighth fiscal year.....	6,000.00
For ninth fiscal year.....	6,000.00

(Appropriation is for salary and office contingent and traveling expenses.)

(S. B. 75, Laws 1919.)

CHAPTER 2.

STATE EDUCATIONAL INSTITUTIONS

(See page 15 for proposed constitutional amendment concerning management.)

- Art. 1. Provisions common to more than one institution. (Pages 15-17.)
- Art. 2. Provisions common to University, Agricultural College and Insane Asylum. (Pages 17-19.)
- Art. 3. University of New Mexico. (Pages 19-21.)
- Art. 4. College of Agricultural and Mechanic Arts. (Pages 24-25.)
- Art. 5. School of Mines. (Pages 25-27.)
- Art. 6. Military Institute. (Pages 27-29.)
- Art. 7. Normal Schools: (Pages 29-31.)
 - (a) Normal University and Normal School. (Pages 29-31.)
 - (b) Spanish-American Normal School. (Page 31.)
- Art. 8. Deaf and Dumb Asylum. (Pages 31-33.)
- Art. 9. Institute for the Blind. (Page 33.)

PROVISIONS COMMON TO MORE THAN ONE INSTITUTION.

(ARTICLE 1.)

- (1) Management, proposed constitutional amendment.
- (2) Eminent domain.
- (3) Lands, sale or lease; funds.
- (4) Lands, sale or lease; funds.
- (5) Accounts, expenditures, warrants, etc.
- (6) Requisitions.
- (7) Financial statement.
- (8) Expenditures, limitation.
- (9) Food and clothing; contracts.
- (10) Appropriation; excess.
- (11) Court; grand jury instruction.
- (12) Admission, requirements.
- (13) Officers; removal.
- (14) Tuition.

(1) Management—Proposed constitutional amendment.

Sec. 1. That Section 3 of Article XIV of the Constitution of the State of New Mexico be amended so that said section shall read as follows:

“Sec. 3. There is hereby created a Board of Control consisting of four (4) members to be appointed by the Governor, each for a term of two years and at a salary of \$3,000 per annum, and not more than two of whom shall belong to the same political party at the time of their appointment. Such Board of Control shall have the management and control of all state educational institutions enumerated in Section 11 of Article XII of the Constitution and of all State institutions enumerated in Section 1, of Article XIV of this constitution and of all State, educational, charitable, penal or reformatory institutions (other than the public schools) heretofore or hereafter established. This provision shall become effective on and after January 1st, 1921. The Legislature shall prescribe the powers and duties of such Board of Control and until such provision is made such Board of Control shall have, with respect to each of said institutions, the powers and duties now vested in the Boards of Regents or Boards of said institutions.”

Sec. 2. That Section 13 of Article XII of the Constitution of the State of New Mexico be amended so that said section shall read as follows:

“Sec. 13. On and after the 1st day of January, 1921, the said State Educational Institutions shall be controlled and managed by the Board of Control created by Section 3 of Article XIV of this Constitution.”

(Not effective at time of publication of this compilation.)

(2) § 5152. Eminent domain.

Sec. 135. Whenever it shall be deemed necessary by the board of regents of the University of New Mexico, and of The New Mexico College of Agriculture and Mechanic Arts the board of regents of the School of Mines, the board of directors of the New Mexico Insane Asylum and the Board of Penitentiary Commissioners to acquire title to any lands for the use of any such institution and the owner or owners of such lands are unable or unwilling to accept a fair and reasonable price for such lands, then, and in that event, each of the said several boards may acquire, in the name of the State of New Mexico, title to so much of said land or lands as shall be deemed necessary by any such board, for the use of any such institution, in the same manner as provided by law for the condemnation of land for railroad purposes, and such land so taken shall be deemed to be taken for public use.

(C. L. '97, §3693.)

(3) § 5153. Sale or lease of lands—Disposition of funds.

Sec. 136. The New Mexico College of Agriculture and Mechanic Arts and all other state, educational and charitable institutions, in New Mexico, are authorized to expend the funds derived from the sale and lease of their lands, or so much thereof as may be necessary which are placed to the credit of the respective institutions, for buildings, equipment and other permanent improvements.

(L. '05, C. 72, §1.)

(4) § 5154. Sale or lease of lands—Use of funds—Report.

Sec. 137. The board of regents or other boards of control of said institutions are hereby authorized to expend said moneys as herein provided for said purposes and said boards shall make a full and complete report of the expenditures which they may make under the provisions of this act, giving amount and purpose for which expended, to the Governor of the State of New Mexico.

(L. '05, C. 72, §2.)

(5) § 5155. Accounts—Expenditures—Warrants—Receipts, etc.

Sec. 138. The board of managers of the different state institutions, under whatsoever name they may be legally designated, are hereby directed and required to keep in suitable books of record a strict account of all moneys received by them from the state, and also itemized accounts of the disbursement of the same. They shall require all bills against such institutions to be made out in duplicate, and all salaries or other expenditures except for bills and current expenses shall be receipted for in duplicate, one of such bills or receipts to be kept by the said board with the other papers and property of the institutions and the other to accompany all requisitions upon the Auditor of the State for warrants, and no warrant shall be drawn by the Auditor for any amount in favor of any such institution unless the requisition therefor is accompanied with such itemized receipts for the money expended after the last requisition.

(L. '01, C. 98, §1.)

(6) § 5156. Charitable institutions—Accounts—Etc.

Sec. 139. The persons in charge of each charitable or other institution which receives state aid, shall make their requisitions upon the Auditor in the same manner as is provided for state institutions in the preceding section, and shall keep books and furnish itemized duplicate receipts for all moneys received and paid out in the same manner.

(L. '01, C. 98, §2.)

(7) § 5157. Annual financial statement.

Sec. 140. It is hereby made the duty of the several boards of managers of state charitable or other institutions which receive any money from the state treasury, at the end of each fiscal year to make out an itemized and detailed statement of all receipts and disbursements of such institution up to and including the last day of said fiscal year, which shall be sworn to as correct by the Secretary, Treasurer or other accounting officer of such institution who draws and receives the State funds, and shall be transmitted to the Governor of the State within the first thirty days of the new fiscal year; and any failure on the part of any person or officer to perform the duties herein specified shall subject such person to removal from his position and in case he is a bonded officer it shall be considered as a breach of his bond and be a misdemeanor in office, for which he may be fined in any sum not exceeding five hundred nor less than one hundred dollars, which shall be recovered from him and the sureties on his bond as a penalty.

(L. '01, C. 98, §3.)

(8) § 5158. Expenditures—Indebtedness in excess of appropriation.

Sec. 141. Every officer, board, body or agency, or any member thereof, empowered to expend any public money or to direct the expenditure thereof, or to contract indebtedness against or in view of specific appropriations, is hereby prohibited from making any contract, incurring any expense, or contracting any liability against this State, or any public fund thereof, which shall make, tend to make, or contemplate any excess of expenditure beyond the terms of the laws authorizing expenditures by them, or either of them, or under their direction; and it shall be unlawful for any trustee, superintendent, warden or other officer of any of the educational, penal, charitable or other institutions of this State, who, under the laws, has authority or may be vested with authority to purchase supplies, employ servants or assistants, contract indebtedness, or to do any act contemplating the expenditure of public moneys, to contract any indebtedness in behalf of such institutions or ostensibly against the State on account of such institutions in excess of the appropriations made for the maintenance and support thereof; but in respect to the Penitentiary, the Asylum for the Insane, the Reform School, the Institute for the Blind, the Miners' Hospital and the Deaf and Dumb Asylum, if the specific appropriations therefor shall have become exhausted, food and clothing for the inmates thereof may be purchased on the credit of the State.

(L. '12, C. 69, §1.)

(9) § 5159. Contracts for food, clothing—Resolution of board.

Sec. 142. Before such food and clothing shall be purchased, in case of emergency, as provided in the preceding section, there shall be passed a resolution of the governing board of the institutions mentioned, respectively, setting forth the kind, quantity, quality, and estimated cost of such supplies, food and clothing, and the necessity therefor, and showing the state of the funds appropriated to such institutions, respectively; and a copy thereof certified by the president, chairman or other head of such board, and attested by its secretary or clerk, shall be transmitted to the Governor, who, if he approve the same, shall return it to the board from which it came, with his approval thereon endorsed over his signature, and thereupon the purchases specified shall be authorized; but if he disapprove the resolution he shall so notify the board aforesaid.

(L. '12, C. 69, §2.)

(10) § 5160. Exceeding appropriation—Penalty.

Sec. 143. Any person violating any of the provisions of the two preceding sections shall be deemed guilty of a felony, and, upon conviction thereof, shall be punished by a fine not exceeding \$500 nor less than \$100, or by imprisonment in the penitentiary for not less than six months nor more than one year, or by both such fine and imprisonment in the discretion of the court trying such cause.

(L. '12, C. 69, §3.)

(11) § 5161. Grand jury—Duty.

Sec. 144. It is hereby made the duty of the several district judges to call to the attention of grand jurors the provisions of the three preceding sections.

(L. '12, C. 69, §4.)

(12) § 5162. Boards to determine requirements.

Sec. 145. The respective boards of regents of the New Mexico College of Agriculture and Mechanic Arts, the New Mexico School of Mines, the University of New Mexico, and the New Mexico Military Institute at Roswell shall determine and fix the standard of requirements for admission to their respective institutions.

(L. '12, C. 83, §2.)

(13) § 5163. State schools—Removal of members of faculty—Salary of secretary.

Sec. 146. No president or member of the faculty of any State educational institution shall be removed during the term for which he is elected, or appointed, except for cause, and after trial by the board of regents of his institution, and that no secretary or treasurer of any such institution except those supported in whole or in part by United States appropriation, shall receive any compensation as such secretary and treasurer, or either.

(C. L. '97, §4181.)

(14) § 5164. Tuition.

Sec. 147. The Board of Regents of the New Mexico College of Agriculture and Mechanic Arts, the University of New Mexico, the New Mexico School of Mines, the New Mexico Normal University at Las Vegas, the New Mexico Normal School at Silver City, the New Mexico Military Institute shall charge as tuition a fee of not less than five nor more than twenty-five dollars per session for each and every student; said tuition to be fixed by said board of regents, collected by the officers of each institution and accounted for as other funds of such institution.

(C. L. '97, §3605.)

(See Page 28 hereof for authorized tuition for military institute)

PROVISIONS COMMON TO UNIVERSITY, AGRICULTURAL COLLEGE, AND INSANE ASYLUM.
(ARTICLE 2.)

- (1) Members boards, expenses.
- (2) Embezzlement.
- (3) Funds; disbursement.
- (4) Funds; apportionment.
- (5) Reports, annual.
- (6) Boards, Governor and State Superintendent.
- (7) Boards; meetings.
- (8) Boards, membership; residence.
- (9) Records, public.
- (10) Boards, members, employes, contracts.
- (11) Boards, members, oath.
- (12) Property.
- (13) Sectarianism; religion.

(1) § 5165. Members of boards—Expenses.

Sec. 148. The members of the several boards of the University of New Mexico, the New Mexico College of Agriculture and Mechanic Arts, and the New Mexico Insane Asylum shall be allowed their actual and necessary traveling expenses in going to and returning

from all necessary sessions of their respective boards, and also their necessary expenses while in actual attendance upon the same.

(C. L. '97, §3633.)

(2) § 5166. Embezzlement.

Sec. 149. If any secretary, treasurer or other officer or member of the several boards of any of the said institutions shall feloniously embezzle, secrete, misapply or convert to his or their own use any money or property belonging to any of said institutions, he shall be deemed guilty of a felony, and on conviction thereof shall be confined in the state penitentiary for a term of not less than three, nor more than ten years, in the discretion of the court before whom such conviction shall be had.

(C. L. '97, §3634.)

(3) § 5167. Disbursement of funds.

Sec. 150. The secretary and treasurer of all of such boards shall make disbursements of the funds in his hands on the order of the board, which order shall be countersigned by the president of the board, and shall state on what account the disbursement is made.

(C. L. '97, §3635.)

(4) § 5168. Apportionment of funds.

Sec. 151. Whenever there shall be any money in the hands of the State Treasurer to the credit of any of the specific funds set apart for said institutions deemed sufficient by such board to commence the erection of any of the necessary buildings or improvements or pay the running or other expenses of such institution, the State Auditor, on the request in writing of any such boards, shall, and it is hereby made his duty, to draw his warrant in favor of the treasurer of said board and institution upon the State Treasurer against the specific fund belonging to such institution in such sum, not exceeding the amount on hand in such specific fund at such time, as said board may deem necessary; Provided, That any such board shall only draw said money as it may be necessary to disburse the same.

(C. L. '97, §3636.)

(5) § 5169. Annual reports.

Sec. 152. All of the managing boards of the said institutions shall annually, on or before the first day of December, make a full and true report in detail under oath, of all their acts and doings during the previous year, their receipts and expenditures, the exact status of their institution and any other information that they may deem proper and useful or which may be called for by the Governor, which said reports shall be made to the Governor and he shall transmit the same to the succeeding session of the legislature.

(C. L. '97, §3637.)

(6) § 5170. Governor and school superintendent members of boards.

Sec. 153. The Governor of the State and the Superintendent of Public Instruction, if there be one, shall ex-officio be advisory members of all boards of the said institutions, but shall not have the right to vote or be eligible to office therein.

(C. L. '97, §3639.)

(See Constitution, Art. XII, Sec. 13, Art. XIV, Sec. 3.)

(7) § 5171. Meetings of boards.

Sec. 154. The regular meeting of all said boards shall be held quarterly; Provided, That they may hold as many special sessions as they shall deem necessary.

(C. L. '97, §3641.)

(8) § 5172. Members of boards—Residence.

Sec. 155. At least one member of the said several boards shall be a resident of the town or city at or near which the institution is located.

(C. L. '97, §3643.)

(9) § 5173. Records to be public.

Sec. 156. The records of the said boards shall be open at all reasonable times for the inspection of any citizen.

(C. L. '97, §3644.)

(10) § 5174. Members and employes not to be interested in contracts.

Sec. 157. No employe or member of any of the said boards shall be interested pecuniarily, either directly or indirectly, in any contract for building or improving any of said institutions or for the furnishing of supplies to any of such institutions.

(C. L. '97, §3645.)

(11) § 5175. Members of boards—Oath.

Sec. 158. Each and every member of the said boards shall, before entering upon their respective duties, take and subscribe an oath to faithfully and honestly discharge their duties in the premises and strictly and impartially perform the same to the best of their several abilities. Said oath shall be filed with the Secretary of State.

(C. L. '97, §3646.)

(For oath see Constitution, Art. XX, Sec. 1.)

(12) § 5176. Power to hold property.

Sec. 159. All of the said institutions shall be entitled to receive all the benefits and donations made and given to similar institutions of learning and charity in other states and territories of the United States, by the legislation of the Congress of the United States, or from private individuals or corporations, and for the benefit of said institutions they shall have power to buy and sell or lease or mortgage realty, and do all things that, in the opinion of the several boards, will be for the best interests of said institutions, and are in the line of its object.

(C. L. '97, §3647.)

(13) § 5177. To be non-sectarian.

Sec. 160. All the said institutions shall forever remain strictly non-sectarian in character, and no creed or system of religion shall be taught in any of them.

(C. L. '97, § 3648.)

(See also Sec. 9, Art. XII, State Const.)

UNIVERSITY OF NEW MEXICO.

(ARTICLE 3.)

(See also page 15.)

- (1) Constitutional confirmation.
- (2) Creation.
- (3) Purpose.
- (4) Management and control. Regents.
- (5) Corporate powers.
- (6) Meetings; officers; Secretary and Treasurer.
- (7) Officers; duties and powers.
- (8) Rules and regulations.
- (9) Departments.
- (10) Management; officers, removal.
- (11) Admission; attendance.
- (12) Sectarianism; teachers.
- (13) Meetings; quorum.
- (14) Lands.
- (15) Appropriations.

(1) (Confirmed as a State educational institution.)

(Sec. 11, Art. XII, State Const.)

(2) § 5117. To be State university.

Sec. 100. The University of New Mexico is intended to be the State university, and as such is entitled to all the donations of land and all other benefits under all Acts of Congress enacted for the benefit of such educational institutions in the State.

(C. L. '97, §3569.)

(See Constitution, Art. XII, Secs. 11, 12.)

(3) § 5118. Purpose.

Sec. 101. The object of the university shall be to provide the inhabitants of the State of New Mexico with the means of acquiring a thorough knowledge of the various branches of literature, science and arts.

(C. L. '97, §3570.)

(4) § 5119. Board of regents.

Sec. 102. The management and control of said university, the care and preservation of all property of which it shall become possessed, the erection and construction of all buildings necessary for its use, and the disbursements and expenditures of all moneys, shall be vested in a board of five regents.

(C. L. '97, §3571.)

(For appointments see Constitution, Art. XII, Sec. 13.)

(For filling of vacancies see Constitution, Art. XX, Sec. 5.)

(For qualification see Constitution, Art. VII, Sec. 2.)

(5) § 5120. Id.—Title—Corporate powers.

Sec. 103. The regents of the university and their successors in office shall constitute a body corporate under the name and style of The Regents of the University of New Mexico,

with the right, as such, of suing and being sued, or contracting and being contracted with, of making and using a common seal and altering the same at pleasure.

(C. L. '97, §3573.)

(6) §5121. Officers—Election—Bond of secretary and treasurer.

Sec. 104. The board of regents of the University of New Mexico shall meet and organize by the election of its officers at Albuquerque, in Bernalillo county, on the second Monday in March in each year; all officers so elected shall hold their offices until their successors are duly elected and qualified. At such elections they shall elect a president and a secretary and treasurer from their number. The persons so elected as secretary and treasurer shall, before entering upon the discharge of his duties as such, execute a good and sufficient bond to the State of New Mexico, with two or more sufficient sureties, residents of this State, in the penal sum of not less than twenty thousand dollars, conditioned for the faithful performance of his duties as such secretary and treasurer, and that he will faithfully account for and pay over to the person or persons entitled thereto all moneys which shall come into his hands as such officer, which said bond shall be approved by the governor of the State and shall be filed with the secretary of state.

(C. L. '97, §3574.)

Although the secretary and treasurer must be a member of the board of regents when elected, his right to hold that office until the appointment and qualification of his successor is not dependent upon his continuing to be a member of the board.

(Bowman Bank & Trust Co. v. First National Bank, 18 N. M. 589.)

In the absence of any direction from the board of regents the treasurer may keep the funds in any bank he sees fit, or keep them in his own possession. A certificate representing the deposit in bank of such funds is assignable, and his assignee is entitled to receive such funds from the bank.

(Bowman Bank & Trust Co. v. First National Bank, 18 N. M. 589.)

(7) §5122. President—Secretary and treasurer—Duties and powers.

Sec. 105. The president of said board shall be the chief executive officer, shall preside at all meetings thereof, except that when he is absent the board may appoint a president pro tem., and sign all instruments required to be executed by said board. He shall also generally direct the affairs of said university, nominate, and by and with the advice and consent of the board of regents, appoint all professors, tutors, instructors and other employes necessary to the proper conduct of said university; and in like manner shall be determined the amount of their respective salaries. The secretary and treasurer shall be the financial and recording officer of said board, shall keep a true and correct account of all moneys received and expended by him, shall attest all instruments required to be signed by the president, and shall keep a true record of all the proceedings of said board, and generally do all other things required of him by said board.

(C. L. '97, §3575.)

(8) §5123. Regents—Rules and regulations.

Sec. 106. The regents shall have power and it shall be their duty to enact laws, rules and regulations for the government of the university.

(C. L. '97, §3576.)

(9) §5124. Departments.

Sec. 107. The university shall have departments, which shall be opened at such times as the board of regents deem best, for instruction in science, literature and the arts, law, medicine, engineering and such other departments and studies as the board of regents may, from time to time, decide upon, including military training and tactics.

(C. L. '97, §3577.)

(10) §5125. Regents—Supervisory power—Degrees—Removal of officers.

Sec. 108. The immediate government of the several departments shall be intrusted to their respective faculties, but the regents shall have the power to regulate the course of instruction, and prescribe the books and authorities to be used in the several departments, and also confer such degrees and grant such diplomas as are usually conferred and granted by other universities. The regents shall have power to remove any officer connected with the university when in their judgment the interests require it.

(C. L. '97, §3578.)

(11) §5126. Who may attend.

Sec. 109. The University shall be open to the children of all residents of this state and such others as the board of regents may determine, under such rules and regulations as

may be prescribed by said board, whenever the finances of the institution shall warrant it, and it is deemed expedient by said board of regents.

(C. L. '97, §3579.)

(12) § 5127. To be non-sectarian.

Sec. 110. No sectarian tenets or opinions shall be required to entitle any person to be admitted as a student or employed as a tutor, or other instructor in said university, but the same shall forever be strictly non-sectarian in character.

(C. L. '97, § 3580.)

(13) § 5128. Board of regents—Calling meetings—Quorum.

Sec. 111. The meetings of the board may be called in such manner as the board of regents may prescribe, and the majority of said board shall constitute a quorum for the transaction of business, but a less number may adjourn from time to time.

(C. L. '97, §3581.)

(14) Lands. (Granted by U. S.)

Act Congress, 7-22-95.....	46,080 acres
Act Congress, 6-21-98.....	65,000 acres
Act Congress, 6-20-10.....	200,000 acres

Total.....311,080 acres

(15) Appropriations. 8th and 9th fiscal years.

Maintenance.....\$85,000

(S. B. Laws 1919.)

COLLEGE OF AGRICULTURE AND MECHANIC ARTS

(ARTICLE 4.)

(See also page 15.)

- (1) Purpose and Character.
- (2) Management; Powers, Courses.
- (3) Officers; Secretary and Treasurer, Compensation.
- (4) Powers and duties.
- (5) Administration of laws generally.
- (6) Experiment station.
- (7) Acceptance Congressional legislation.
- (8) Experiment station; acceptance grant.
- (9) Experiment stations; acceptance of Legislature.
- (10) Regents; power; meetings.
- (11) Regents; power; instruction; officers' removal.
- (12) Lands, granted.
- (13) Appropriations.
- (14) Agriculture, co operative, appropriations.
- (15) Agriculture; payment.
- (16) Agriculture—Home Economics.
- (17) Extension work, appropriation.
- (18) Extension work, moneys, administration.
- (19) Agriculture, county demonstration.
- (20) Agriculture, county agents.
- (21) Agriculture, county agents, employment.
- (22) Agriculture, public defense.
- (23) Confirmed as State educational institution.

(1) § 5129. Purpose and character.

Sec. 112. The New Mexico College of Agriculture and Mechanic Arts shall be an institution of learning open to the children of all the residents of this state, and such other persons as the board of regents may determine, under such terms, rules and regulations as may be prescribed by said board of regents; shall be non-sectarian in character and devoted to practical instruction in agriculture, mechanic arts, natural sciences connected therewith, as well as a thorough course of instruction in all branches of learning bearing upon agriculture, and other industrial pursuits.

(C. L. '97, §3552.)

(2) § 5130. Course of instruction—Board of regents—Corporate Powers—Quorum.

Sec. 113. The course of instruction of the college hereby created shall embrace the English language, literature, mathematics, philosophy, civil engineering, chemistry and animal and vegetable anatomy and physiology, the veterinary art, entomology, geology, and political, rural and household economy, horticulture, moral philosophy, history, mechanics and such other sciences and courses of instruction as shall be prescribed by the regents of this institution of learning. The management of said college and experiment station, the care and preservation of all property, of which such institution shall become possessed, the erection and construction of all buildings necessary for the use of said college and station, and the disbursement and expenditure of all moneys provided for by this act, shall

be vested in a board of five regents. Said five regents shall possess the same qualifications, as required for the regents of the University of New Mexico. Said regents and their successors in office shall constitute a body corporate, with the name and style of, The Regents of the Agricultural College of New Mexico, with the right as such of suing and being sued, of contracting and being contracted with, of making and using a common seal, and altering the same at pleasure, of causing all things to be done necessary to carry out the provisions of law. A majority of the board shall constitute a quorum for the transaction of business, but a less number may adjourn from time to time.

(C. L. '97, §3553.)

(For appointment and terms of office see Constitution, Art. XII, Sec. 13.)

(For filling of vacancies see Constitution, Art. XX, Sec. 5.)

(For qualifications see Constitution, Art. VII, Sec. 2.)

(Referred to in Bowman Bank & Trust Co. v. First National Bank, 18 N. M. 589.)

(3) § 5131. Officers.

Sec. 114. The officers of said college shall be the same, be elected in the same manner, at the same time, and possess the same qualifications as the regents and officers, shall perform their duties as provided for the regents and officers of the University of New Mexico. The secretary and treasurer shall receive a salary of one hundred dollars a month.

(C. L. '97, §3554, and C. L. '97, §3642.)

(4) § 5132. Id.—Powers and duties.

Sec. 115. The board of regents shall direct the disposition of any moneys belonging to or appropriated to the agricultural college and experiment station and shall make all rules and regulations necessary for the government and management of the same, adopt plans and specifications for necessary buildings and superintend the construction of said buildings, and fix the salaries of professors, teachers and other employes, and the tuition fees to be charged in said college.

(C. L. '97, §3556.)

(Referred to in Bowman Bank & Trust Co. v. First National Bank, 18 N. M. 589.)

(5) Agriculture and horticulture—Administration.

That the Board of Regents of the College of Agriculture and Mechanic Arts is hereby given supervision of the administration and enforcement of all laws in this state relating to agriculture, agricultural objects, horticulture, feeds and feed stuff, insect pests, plant disease and such subjects pertaining to agriculture and horticulture as the legislature shall hereafter provide and shall have power to delegate inspectors and agents to assist in the enforcement of such laws.

(S. B. 80, Laws 1919, effective June 13, 1919.)

(6) § 5133. Agricultural experiment station.

Sec. 116. The agricultural experiment station in connection with said college shall be under the direction of the said board of regents of said college for the purpose of conducting experiments in agriculture according to the terms of section one of an act of congress approved March 2, 1887, and entitled, An act to establish agricultural experiment stations in connection with the colleges established in the several states under the provisions of an act approved July 2, 1862, and of the acts supplementary thereto. The said college and experiment station shall be entitled to receive all the benefits and donations made and given to similar institutions of learning in other states and territories of the United States by the legislation of the congress of the United States and particularly to the benefit and donations given by the provisions of an act of congress of the United States entitled, An act donating public lands to the several states and territories which may provide colleges for the benefit of agriculture and mechanic arts, approved July 2, 1862, and of all acts supplementary thereto, including the act entitled, An act to establish agricultural experiment stations in connection with colleges established in the several states under the provisions of an act approved July 2, 1862, and of the acts supplementary thereto, which said last mentioned act was approved March 2, 1887.

(C. L. '97, §3557.)

(7) § 5134. Assent to Act of Congress.

Sec. 117. The assent of the Legislature of New Mexico is hereby given in pursuance of the requirement of section two of an act of congress entitled, An act to apply a portion of the proceeds of the public lands to the more complete endowment and support of the colleges for the benefit of agriculture and the mechanic arts, established under the provisions of an act of congress approved July 2, 1862, approved August 30th, 1890, to the granting of moneys for the benefit of the agricultural college of New Mexico, and the said Legislature accepts and consents to all of the terms and conditions of said act of congress, and assent is further given to carry out within the State of New Mexico all and singular, the provisions of said act of congress.

(C. L. '97, §3567a.)

(8) § 5135. Agricultural experiment stations—Assent to terms of federal act.

Sec. 118. That the assent of the Legislature of the State of New Mexico is hereby given in pursuance of the requirements of Section 2 of An act of Congress entitled, "An act to provide for an increased annual appropriation for Agricultural Experiment Stations and regulating the expenditures thereof, approved March 16, 1906," commonly known as the Adams Act, to the purpose of the grants of money authorized by such act to the carrying out, within the State of New Mexico, of all and singular the provisions of said act.

(L. '07, C. 13, § 1.)

(9) § 5136. Id.—Assent to Act of Congress.

Sec. 119. The assent of the Legislature of the State of New Mexico, is hereby given in pursuance of the requirements of section of said act of congress, approved March 2, 1887, to the granting of money therein made to the establishment of experiment stations in accordance with section one of said last mentioned act, and assent is hereby given to carry out, within the State of New Mexico, all and singular the provisions of said act.

(C. L. '97, § 3558)

(10) § 5137. Board of regents—Rules—Calling meetings.

Sec. 120. The board of regents shall have power and it shall be their duty to enact laws for the government of said college and experiment station and the meetings of said board may be called in such manner as the regents may prescribe.

(C. L. '97, § 3559.)

(11) § 5138. Id.—Instruction—Books—Degrees—Removal of officer.

Sec. 121. The immediate government of the several departments shall be intrusted to their respective faculties, but the regents shall have the power to regulate the course of instruction and prescribe, under the advice of the faculty, the books and authorities to be used in the several departments, and also to confer such degrees and grant such diplomas as are usually conferred and granted by other agricultural colleges. The regents shall have power to remove any officer connected with the agricultural college or experiment station when, in their judgment, the best interests of the college require it.

(C. L. '97, § 3560.)

(12) Lands.

Act Congress, 2-21-98.....	100,000 acres
Act Congress, 6-20-1910.....	150,000 acres
Total.....	250,000 acres

(13) Appropriations. 8th and 9th fiscal years.

Maintenance	\$37,500
Experimental Station work.....	7,500
Building, 8th fiscal year only.....	12,500
Extension work, required by C. 29, L. 1915—	
For 8th fiscal year.....	43,200
For 9th fiscal year.....	43,200
Administration certain laws passed by Fourth Legislature...	2,500

(S. B. 75, Laws 1919.)

(14) Co-operative Agriculture Appropriation.

That for the maintenance of the co-operative agricultural extension work provided for in the act of Congress entitled: "An act to provide for Co-operative Agricultural Extension Work between the Agricultural Colleges in the several states receiving the benefits of an act of Congress approved July second, one thousand eight hundred and sixty-two, and all acts supplementary thereto, and the United States Department of Agriculture," approved May 8, 1914, there is hereby permanently appropriated out of any money in the State Treasury, except interest upon the public debt, the sum of one dollar for each dollar allotted annually by the Secretary of Agriculture as provided in said act of congress to the State of New Mexico above the sum of Ten Thousand Dollars regularly appropriated to each state which shall by action of its legislature assent to the provisions of said act, the said appropriation not to exceed the sum of Thirty Four Hundred Dollars for the fiscal year ending June 30, 1916, and for each year thereafter for seven years, a sum exceeding, by not more than Three Thousand Dollars, the sum appropriated for each preceding year, after which time the said appropriation shall continue annually in accordance with the provisions of said act of congress, such appropriations being required by said act of congress, in order that the state may obtain the benefit of the said annual allotments of money by the Secretary of Agriculture over and above the said sum of Ten Thousand Dollars.

(C. 29, Sec. 1, L. 1915.)

(15) Appropriation—Payment.

The money by this act appropriated shall be paid to the Treasurer of the Board of Regents of the New Mexico College of Agriculture and Mechanic Arts upon the warrant of the State Auditor to be drawn on the request, in writing, of said board and the said treasurer of said board is hereby authorized to receive the moneys payable under the provisions of Section 4 of the said act of congress by the Secretary of the Treasury upon the warrant of the Secretary of Agriculture, out of the Treasury of the United States.

(C. 29, Sec. 2, L. 1915.)

(16) Appropriations—Agriculture and Home Economics.

That for the purpose of further extending the co-operative work provided by Chapter 29 of the Session Laws of New Mexico for the year 1915, entitled "An Act to Provide for the Maintenance of the Co-operative Agricultural Extension Work provided for by the Act of Congress, entitled 'An Act to provide for co-operative agricultural extension work between Agricultural Colleges in the several states receiving the benefits of an act of Congress approved July 2, 1862, and all acts supplemental thereto, and the United States Department of Agriculture,' approved May 8, 1914," in any county of this state employing a county agent or agents under the terms of said acts, the board of county commissioners of any such county shall be authorized, upon petition of at least one hundred bona fide taxpayers within such county, to provide and appropriate such funds as are necessary for maintenance of co-operative extension work in agriculture and home economics within such county, such funds to be provided by special levy made at the same time as other tax levies for county purposes, and the proceeds of such special levy shall be covered into a fund hereby created to be known as the "Agricultural Extension Fund" of such county.

(C. L. 1917, Extraordinary Session.)

(17) Appropriation.

For each dollar so provided by said county there is hereby appropriated the sum of one dollar, to be paid out of any funds in the State Treasury except money set aside for the payment of interest or sinking fund on the public debt, and the State Auditor is hereby authorized and directed to draw his warrant for the payment of monies so allotted to any such county upon the certificate of the board of county commissioners of such county, countersigned by the extension director of the New Mexico College of Agriculture and Mechanic Arts, certifying that a stated amount of money has been so provided by said county and that an agreement has been entered into between such county and said college for such co-operative extension work; provided, however, that in no case shall the total amount so allotted to any one county by the state exceed the sum of two thousand dollars (\$2,000) during any one year.

(C. 1, 1917, Ex. Session.)

(18) Moneys—Administration.

All funds appropriated by this act, and by the boards of county commissioners under authority of Section 1 hereof, shall be paid over to the treasurer of the Board of Regents of the New Mexico College of Agriculture and Mechanic Arts, upon warrant drawn by the State Auditor, as to state funds, and by the County Treasurer, as to county funds, and shall be expended under the supervision of the extension service of said college solely for the purpose contemplated by this act, and the Treasurer of the Board of Regents of the New Mexico College of Agriculture and Mechanic Arts shall file with the State Auditor copies of all vouchers covering the expenditure of all such moneys appropriated by the state.

(C. 1, 1917, Ex. Session.)

(19) County Demonstration.

Every such agreement made relating to county demonstration work in agriculture and home economics shall continue in full force until the Board of County Commissioners, or the New Mexico College of Agriculture and Mechanic Arts, shall terminate the agreement by notice to the other party or parties, such notice to be in writing delivered at least three months prior to the time fixed for termination of the agreement, and at the expiration of such period of three months, the co-operative relationship between said parties shall cease, unless otherwise agreed upon between the several parties.

(C. 1, 1917, Ex. Session.)

(20) County Agents—Duties.

The county agents to be appointed in pursuance of this act, shall be selected by the extension service of the New Mexico College of Agriculture and Mechanic Arts and a committee appointed by the boards of county commissioners of the respective counties from nominations made by the extension service of said College. The said county agents shall work under the direction of the extension service of said college and shall devote

their entire time to the discharge of their duties under this act. It shall be their duty to demonstrate as far as possible the improved agricultural and home economics practices and systems of farming and home making, so far as the same may be applicable to local conditions, which have been developed by the investigations of the United States Department of Agriculture and the Agricultural Colleges and the experiment stations; to aid in the organization and direction of agricultural work and home making in the several counties; to co-operate with agricultural and home economics clubs and other associations and organizations having for their object the betterment of agriculture and home and rural conditions.

(C. 1, 1917, Ex. Session.)

(21) County Agents—Employment.

In order to obtain the advantages or to increase the benefits to be derived from the provisions of this act any two or more contiguous counties may, subject to the approval of the extension service of the New Mexico College of Agriculture and Mechanic Arts, unite in the employment of a county agent or agents under an agreement between the Board of County Commissioners of each of said counties and the extension service of said college, which agreement shall fix the amount of money to be provided by each county, in which case the funds to be provided by the state, in accordance with the provisions of section two thereof, shall be available, and shall be paid to the treasurer of said Board of Regents upon the certificates of said boards of county commissioners, countersigned by said extension director, stating the amounts of moneys so provided by said counties, and that such agreement has been executed.

(C. 1, 1917, Ex. Session.)

(22) Public defense.

That because a state of war exists between the United States of America and the Imperial German Government and it is necessary for the successful prosecution of such war that the production and conservation of foods be promoted and encouraged, it is hereby declared that this Act is necessary to provide for the public defense.

(C. 1, 1917, Ex. Session.)

(23) Confirmed as state educational institution.

(Sec. 11, Art. XII, State Const.)

SCHOOL OF MINES.

(ARTICLE 5.)

- (1) Confirmation as State educational institution.
- (2) Objects, courses.
- (3) Management; corporate powers, etc.
- (4) Officers, qualifications.
- (5) President powers, Pres. pro. tem.
- (6) Secretary and Treasurer; duties, records.
- (7) Regents; powers.
- (8) Faculties.
- (9) Degrees and diplomas.
- (10) Employees; removal.
- (11) Tuition.
- (12) Assays, compensation.
- (13) State school.
- (14) Lands.
- (15) Appropriation.

(1) § 5139. Objects—Studies.

Sec. 122. The object of the New Mexico School of Mines is to furnish facilities for the education of such persons as may desire to receive instruction in chemistry, metallurgy, mineralogy, geology, mining, milling, engineering, mathematics, mechanics, drawing, the fundamental laws of the United States, and the rights and duties of citizenship, and such other courses of study, not including agriculture, as may be prescribed by the board of regents.

(C. L. 1897, §3593.)

(2) § 5140. Board of regents—Corporate powers—Quorum.

Sec. 123. The management and control of said school of mines, the care and preservation of all property of which it shall become possessed, the erection and construction of all buildings necessary for its use, and the disbursement and expenditure of all moneys, shall be vested in a board of five regents. Said regents and their successors in office shall constitute a body corporate, under the name and style of, The Regents of the New Mexico School of Mines, with the right, as such, of suing and being sued, of contracting and being contracted with, of making and using a common seal and altering the same at pleasure, and of causing all things to be done necessary to carry out the provisions

of this article. A majority of the board shall constitute a quorum for the transaction of business, but a less number may adjourn from time to time.

(C. L. 1897, §3594.)

(For appointment see Constitution, Art. XII, Sec. 13.)

(For qualifications see Constitution, Art. VII, Sec. 2.)

(For filling of vacancies see Constitution, Art. XX, Sec. 5.)

(3) § 5141. Officers—Bond of secretary and treasurer.

Sec. 124. The school officers shall be the same regents, be elected in the same manner and at the same time, and possess the same qualifications as the officers of the University of New Mexico, and the secretary and treasurer so elected shall give bond in the sum of ten thousand dollars in the manner provided in Section 5121.

(C. L. 1897, §3595.)

(4) § 5142. President—Powers.

Sec. 125. The president of said board shall be the chief executive officer, shall preside at all meetings thereof, except that when he is absent the board may appoint a president pro tem., sign all instruments required to be executed by said board; he shall also direct the affairs generally of the said School of Mines, shall nominate and by and with the advice of said board of regents, appoint all professors, instructors, tutors and other employes necessary to the proper conduct of said School of Mines, and in like manner shall determine the amount of their respective salaries.

(C. L. 1897, §3596.)

(5) § 5143. Secretary and treasurer—Duties—Records.

Sec. 126. The secretary and treasurer shall be the financial and recording officer of said board, shall keep a true and correct account of all moneys received and expended by him, shall attest all instruments required to be signed by the president of said board, and shall keep a true and correct record of all the proceedings of said board and, generally, do all other things required of him by said board.

(C. L. 1897, §3597.)

(6) § 5144. Board of regents—Powers.

Sec. 127. The board of regents shall have power and it shall be their duty to enact by-laws, rules and regulations for the government of such School of Mines, not inconsistent with the laws of the State, and they shall also prescribe the text books to be used, the course of study, the branches to be taught, the number of departments into which said school shall be divided and to change the same from time to time; to fix the scholastic year, provide apparatus, mineral and geological cabinets, and do all and everything necessary in and about the premises with a view to promoting the best interests of said institution.

(C. L. 1897, §3598.)

(7) § 5145. Faculties.

Sec. 128. The immediate government of their several departments shall be intrusted to their several faculties.

(C. L. 1897, §3599.)

(8) § 5146. Degrees and diplomas.

Sec. 129. The board of regents shall have power to confer such degrees and grant such diplomas as are usually conferred and granted by other similar schools.

(C. L. 1897, §3600.)

(9) § 5147. Removal of employes.

Sec. 130. The regents shall have power to remove any officer, tutor or instructor, or employe connected with said school, when in their judgment the best interests of said school require it.

(C. L. 1897, §3601.)

(10) § 5148. Tuition.

Sec. 131. Said School of Mines shall be a place for instruction in the branches mentioned in Section 5139, with or without charge to residents of this State, as shall be deemed best by the trustees, but non-residents shall be admitted to the privileges of such school upon such terms as the regents shall prescribe.

(C. L. 1897, §3602.)

(11) § 5149. Assays, etc.—Compensation.

Sec. 132. The board of regents shall require such compensation for all assays, analyses, mill tests or other services performed by said institution as they may deem reasonable, and the same shall be collected and paid into the treasury of the School of

Mines for said institution, and an accurate account thereof shall be kept in a book to be provided for that purpose.

(C. L. 1897, §3603.)

(12) § 5150. Declared a state school.

Sec. 133. The New Mexico School of Mines shall be the State School of Mines.

(C. L. 1897, §3604.)

(13) § 5151. Preparatory department—Tuition in state schools.

Sec. 134. The New Mexico School of Mines shall, in addition to the course now provided for, maintain a preparatory department.

(C. L. 1897, §3605.)

(14) Lands.

Act of Congress, 5-20-1910.....150,000 acres

Maintenance.....\$13,000

(S. B. Laws 1919.)

(15) Appropriations.

8th and 9th Fiscal years.....\$13,000

MILITARY INSTITUTE.

(ARTICLE 6.)

(See also page 15.)

- (1) Confirmation as State educational institution.
- (2) Regents, compensation.
- (3) Officers.
- (4) Purpose and standard.
- (5) Regents, powers.
- (6) Lands, sale.
- (7) Deeds.
- (8) Lands.
- (9) Tuition.
- (10) Officers, rank.
- (11) Cadets, division.
- (12) Ordnance and stores.
- (13) Inspection.
- (14) Cadets commissions.
- (15) Appropriations.

(1) Confirmed as State educational institution.

(Sec. 11, Art. XII, State Constitution.)

(2) § 4988. Board of regents—Compensation.

Sec. 182. The New Mexico Military Institute, at Roswell, shall be under the supervision and control of a board of five regents, to serve without compensation, to be appointed by the governor, by and with the advice and consent of the Senate, for a term of four years, and not more than three of them shall belong to the same political party at the time of their appointment.

(C. L. 1897, § 3661.)

(See Constitution, Art. XII, Sec. 13.)

(3) § 4989. President—Secretary and treasurer—Duties.

Sec. 183. The said board shall organize and elect from their number a president and secretary and treasurer, who shall do and perform all the duties that shall be incumbent upon them as such officers.

(C. L. 1897, § 3662.)

(4) § 4990. Purpose and standard.

Sec. 184. It shall be the duty of the board of regents to maintain and control, at Roswell, a military institute for the education and training of the youth of this country, of as high a standard as like institutions in other states and territories.

(C. L. 1897, §3663.)

(5) § 4991. Board of regents—Powers.

Sec. 185. The said board shall have full power and authority to make such rules and regulations concerning the government and course of said institute as they may deem proper; to make contracts with teachers; to erect buildings and make such other improvements as the institute may require.

(C. L. 1897, §3664.)

(6) § 4992. Sale of lands.

Sec. 186. The said board of regents shall have power to sell, lease or otherwise dispose of, as to them may seem best for the benefit of the institute, the lands and property donated by the citizens of Chaves county to said institute before February 23, 1893, except forty acres surrounding the site of the institute, which shall be forever set apart for the use of the institute.

(C. L. 1897, §3665.)

(7) § 4993. President—Execution of deeds, etc.

Sec. 187. That all deeds for the sale of lands and all contracts made by the said board shall be signed by the president.

(C. L. 1897, §3666.)

(8) Lands.

Act of Congress, 5-20-1910.....100,000 acres

(9) § 4994. Tuition.

Sec. 188. The regents of the New Mexico Military Institute may charge a larger tuition fee than provided in Section 5164 if it is deemed necessary to do so to maintain said institute.

(C. L. 1897, § 3671.) (See Page 29, (15.)

(10) § 4995. Military rank of officers.

Sec. 189. That for the better government and enforcement of discipline in the New Mexico Institute, located at Roswell, the superintendent, commandant of cadets and instructors in said institute shall be commissioned as aides-de-camp on the staff of the governor and commander-in-chief, in addition to the number of aides-de-camp otherwise provided by law; the superintendent to have the rank of colonel, the commandant of cadets to have the rank of captain, who shall hold office as such during the time they are employed in such capacity in said institute and no longer, and they will be allowed to wear the uniform of their rank while on duty in the institute, and upon all public occasions when the national guard is under arms or the staff of the governor and commander-in-chief shall be ordered out.

(L. 1901, C. 63, §1.)

(11) § 4996. Military division of cadets.

Sec. 190. The superintendent of the Military Institute shall have power to divide the students of the institute into companies and battalions and to appoint company and battalion officers, and non-commissioned officers, who shall hold their offices at the pleasure of the superintendent. Commissions shall be issued by the superintendent to company and battalion officers to be known as cadet commissions, which shall be signed by the superintendent and commandant of cadets, and a record kept of the same by the commandant showing the date of all such commissions, and the expiration of the same and for what cause. The superintendent shall have power to prescribe the number and rank and duties of cadets, and non-commissioned officers conforming so far as practicable to the laws governing the national guard of the State.

(L. 1901, C. 63, § 2.)

(12) § 4997. Ordnance and stores—Custody—Report.

Sec. 191. It shall be the duty of the superintendent to provide a safe and convenient place for the keeping and preservation of all ordnance and quartermaster's stores received from the State for the use of the institution, and on and before the thirty-first day of December in each year he shall make a report to the adjutant general of the State of all such stores on hand, and in such report he shall show their condition, whether serviceable or unserviceable, and if any of such stores should be lost or destroyed, the manner of their loss or destruction.

(L. 1901, C. 63, § 3.)

(13) § 4998. Annual inspection by adjutant general.

Sec. 192. The governor and commander-in-chief shall cause the adjutant general to make an annual inspection of the discipline, course of study and general management of the Military Institute, a report of which inspection shall appear in the annual report of the adjutant general.

(L. 1901, C. 63, §4.)

(14) § 4999. Commissions for cadets in national guards.

Sec. 193. The two cadets of the Military Institute who shall at graduation have the highest standing in the graduating class, shall receive from the governor and commander-

in-chief commissions as second lieutenants in the national guard of the State, and be assigned to duty to fill any vacancy in that grade occurring in any national guard organization stationed in the county of their residence without examination.

(L. 1901, C. 63, §5.)

(15) Appropriations, eighth and ninth fiscal years.

Maintenance \$50,000

(Providing that beginning with the scholastic year of 1919-20 all non-resident pupils attending said New Mexico Military Institute shall pay for board and tuition at such institution not less than the actual average cost thereof for each scholastic year.)

(S. B. 75, Laws 1919.)

NORMAL SCHOOLS.

(ARTICLE 7.)

(A) Normal University and Normal School.

- (1) Confirmation as State educational institutions.
- (2) Names.
- (3) Management; powers.
- (4) Officers, bond.
- (5) Meetings.
- (6) Lands, Normal University.
- (7) Lands, Normal School.
- (8) Appropriations, Normal University.
- (9) Appropriations, Normal School.
- (10) Powers; superintendent; courses; admission.
- (11) President; Secretary.
- (12) Regents; compensation.
- (13) Students, railroad fare.
- (14) Normal university; manual training; kindergarten training.
- (15) Sectarianism.
- (16) Eminent domain.

(B) Spanish American Normal School.

- (17) Creation; object.
- (18) Management.
- (19) Courses; students.
- (20) Lands.
- (21) Appropriation.

(1) Confirmed as State educational institutions.

(Sec. 11, Article XII, State Constitution.)

(2) § 4974. Names—New Mexico Normal University—New Mexico Normal School.

Sec. 168. The State educational institution at Las Vegas shall be known by the name and title of the New Mexico Normal University, and the State educational institution at Silver City shall be known by the name and title of the New Mexico Normal School.

(C. L. 1897, §3651.)

(3) § 4975. Board of regents—Corporate powers.

Sec. 169. Said normal schools shall each be controlled and managed by a board of regents consisting of five members to be appointed by the governor, by and with the advice and consent of the senate, for a term of four years, and not more than three of whom shall belong to the same political party at the time of their appointment. The members of such board shall be qualified electors of the State and owners of real estate therein. Each such board shall constitute a body politic and corporate, and shall have power to sue and be sued, to contract and be contracted with, and the title to all property belonging to each such normal school shall be vested in the respective corporate bodies and their successors.

(C. L. 1897, §3652.)

(Constitution, Art. XII, §13.)

(As to qualifications of members, see Constitution, Art. VII, §2.)

(4) § 4976. President and secretary and treasurer—Election—Bond of secretary.

Sec. 170. Each of such boards shall annually elect one member thereof as president and another member as secretary and treasurer, and such officers shall hold their offices until their successors shall be elected and qualified. The secretary and treasurer shall execute his bond to the State of New Mexico for not less than twenty thousand dollars, with at least two freehold sureties, residents of the State, which shall be conditioned for the faithful performance of the duties of such secretary and treasurer, and shall be approved by the Governor and filed in the office of the Secretary of State.

(C. L. 1897, §3653.)

(5) § 4977. Board of regents—Meetings—Quorum.

Sec. 171. Each of said boards of regents shall hold at least four meetings during each year at their respective normal schools for the purpose of discharging their duties, the time of such meetings to be fixed by such board, and the president of such board may call special

meetings thereof when in his judgment the business of such schools demands the same. Three members of such boards shall constitute a quorum for the transaction of business.

(C. L. 1897, §3654.)

(6) Lands, to Normal University.

Act of Congress, 6-21-98.....	50,000 acres
Act of Congress, 5-20-10.....	56,666 acres
Total	106,666 acres

(7) Lands, to Normal School.

Act of Congress, 6-21-98.....	50,000 acres
Act of Congress, 5-20-10.....	56,666 acres
Total	106,666 acres

(8) Appropriations eighth and ninth fiscal years, Normal University.

Maintenance	\$43,000
Heating plant, eighth fiscal year.....	10,000
Heating plant, ninth fiscal year.....	5,000

(S. B. 75, Laws 1919.)

(9) Appropriations eighth and ninth fiscal years, Normal School.

Maintenance	\$55,000
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(S. B. 75, Laws 1919.)

(10) § 4978. Id.—Powers—Superintendent—Studies—Admission of students.

Sec. 172. Said boards of regents shall have full and complete power and control over their respective normal schools. Each board shall employ a superintendent or principal for such school who shall have the supervision and control of the school under such rules and regulations as may be provided by such board. Such board shall determine and provide as to what branches of learning shall be taught in such school and the classification and order of the same, and shall also direct the number of teachers that shall be employed, and shall determine the compensation to be paid to the superintendent and teachers. Such board shall also prescribe upon what terms and conditions pupils shall be admitted to such school, but no pupils shall be admitted who are not residents of this state, except on payment of a tuition fee to be prescribed by the board of regents for each term.

(L. 1899, C. 18, §4.)

(11) § 4979. President and secretary—Duties—Reports.

Sec. 173. The President of each board shall preside at all meetings thereof and shall sign the proceedings of the same, and shall sign all orders directed by the board to be drawn upon the treasurer thereof for the payment of money. In the absence of the president at any meeting of the board, the members present shall elect a president pro tem. The secretary of the board shall have charge of the records, books, and papers belonging to such board, and shall keep a record of the proceedings of such board, and shall issue and attest all orders directed by the board to be drawn upon the treasurer of the same for the payment of money. Such secretary, as treasurer, shall have the care and custody of all moneys belonging to such school, and he shall pay out the same only upon orders drawn upon him by direction of the board of regents and signed by the president thereof; and at each regular meeting of such board such treasurer shall submit to the same a statement showing a full account of the condition of financial affairs of such school.

(C. L. 1897, §3656.)

(12) § 4980. Board of regents and secretary—Compensation.

Sec. 174. The members of the respective boards of regents shall be entitled to the sum of two dollars per day during the time they shall be employed in the actual discharge of their duties, and five cents per mile for each mile necessarily traveled in going to and returning from their places of residence to the place of meeting of such board; but the person who is elected as secretary and treasurer of such board shall be entitled to receive three dollars per day during the sessions of such board, and mileage as above provided.

(C. L. 1897, §3657.)

(13) § 4981. Railroad fare for normal school students.

Sec. 175. The Board of Regents of the New Mexico Normal University and the New Mexico Normal School are hereby empowered and directed to set aside out of the regular appropriation for each of these institutions, the sum of Fifteen Hundred Dollars, to pay the railroad fare in excess of seventy-five miles, both going to and coming from said institutions, of all persons who enroll with a view of preparing to teach in the schools of New Mexico. Provided, that such students shall be bona fide residents of New Mexico at the

time of entering such institution, shall have attended continuously for not less than eight weeks, and shall file with the president of the institution a declaration of their intention to teach in the State of New Mexico. The railroad fare thus provided for shall be paid but once each scholastic year and over the shortest practical route of travel.

(L. 1913, C. 83, §2.)

(This is from the appropriation act of 1913, in which it appears twice.)

(14) § 4982. The New Mexico Normal University—Manual Training—Kindergarten training school.

Sec. 176. There are hereby established as branches or departments of said New Mexico Normal University, to be carried on at Las Vegas, a school of manual training for the State of New Mexico, the object of which shall be to instruct pupils, and to train and qualify teachers to teach the use of hands and tools in the various useful arts of practical value to the people of the state; and also a kindergarten training school to qualify teachers of the state to use that system of teaching in the primary schools.

(L. 1899, C. 18, §2.)

(15) § 4983. Non-sectarian.

Sec. 177. Said institution shall be forever strictly non-sectarian in its character and management, and no creed or system of religion shall be taught, practiced, or exercised in it.

(L. 1899, C. 18, §3.)

(See Constitution, Art. XII, Sec. 9, and Art. XXI, Sec. 4.)

(16) § 4984. Eminent domain—Condemnation.

Sec. 178. The provisions of section 5152 shall be applicable to the New Mexico Normal University with the same force and effect as if said institution had been one of those mentioned therein.

(L. 1899, C. 18, §6.)

SPANISH-AMERICAN NORMAL SCHOOL.

(17) § 4985. Spanish-American Normal school—Establishment—Location.

Sec. 179. The object of the Spanish-American School at El Rito shall be to educate Spanish-speaking natives of New Mexico for the vocation of teachers in the public schools of the counties and districts where the Spanish language is prevalent.

(L. 1909, C. 97, §1.)

(18) § 4986. Management—Trustees, appointment, etc.

Sec. 180. The management and control of said Spanish-American School, the appointment, qualification, powers and duties of its regents, shall be the same as provided for the New Mexico Reform School and other institutions so far as applicable.

(L. 1909, C. 97, §2.)

(19) § 4987. Instruction—Scholars obliged to teach—Entrance qualifications.

Sec. 181. The courses of instruction at said Spanish-American school shall be particularly arranged for the training and qualification of teachers to give instructions in English in the ordinary rural public schools of the state, and especially in those where the greater part of the scholars belong to Spanish-speaking families.

Every scholar admitted to said school shall sign an obligation agreeing, in case he or she graduates, to teach at least two years in public schools of the state, unless excused for good cause by the State Board of Education.

No scholar shall be received in said school who has not passed the fourth grade as established in the public schools of New Mexico in a satisfactory manner; or passes a satisfactory examination for entrance in the fifth grade; and the regents of said school are directed to make regulations to insure compliance with this provision.

(L. 1909, C. 97, §3.)

(20) Lands.

Act Congress, 6-21-98.....56,666 acres

(21) Appropriations 8th and 9th fiscal years.

Maintenance\$11,250

(S. B. 75, Laws 1919.)

**DEAF AND DUMB ASYLUM.
(ARTICLE 8.)**

- (1) Confirmed as State educational institution.
- (2) Name.
- (3) Management; appointment; officers; indebtedness; reports.
- (4) Management; powers.

- (5) Trustees; powers and duties.
- (6) Admission; instruction.
- (7) Lands.
- (8) Appropriations.

(1) Confirmed as State Educational Institution.

(Sec. 11, Art. XII, State Constitution.)

(2) § 5101. Asylum for deaf and dumb.

The name of the asylum for the deaf and dumb is to be known as the "New Mexico Asylum for the Deaf and Dumb."

(L. 1903, C. 2, §1.)

(3) § 5102. Board of regents—Appointment—Officers—Superintendent—Indebtedness—Report.

The said asylum shall be under the control and management of a Board of Regents consisting of five members to be appointed by the Governor, by and with the advice and consent of the Senate for a term of four years. Not more than three of them shall belong to the same political party at the time of their appointment. Said board shall make its own rules and regulations for the government of its meetings and the institution under its care. Annually on the second Monday of April said board shall elect from among their number a president and a secretary.

The board shall have full power and authority to employ a superintendent, teachers and all other necessary employes to carry on the said asylum in the most efficient manner with the appropriations made therefor, with full power to provide suitable buildings, additions to existing buildings, and otherwise enlarging and improving the buildings and property now occupied by said asylum:

Provided, that it shall be unlawful for any member or members of said board to incur any indebtedness or provide any improvements, repairs, or enlarge said buildings, except for current expenses, unless there shall be money on hand in the treasury subject to be used for such purposes.

Such board shall serve without compensation or salary except that they may be refunded actual cash expended by them in necessarily attending the meetings of such board.

The said board shall biennially, in the years when the state legislature meets, present to the Governor a full and detailed report including an itemized statement of all expenditures and of all its doings and actions during the previous two years, with such information and recommendations as it may deem necessary and advisable for the Governor and the legislature to act upon.

(L. 1899, C. 42, §2.)

(4) § 5109. Management—Trustees—Qualification and terms—Powers.

Sec. 92. The management and control of each of said institutions mentioned in this article, the care and preservation of all property of which they shall become possessed, the erection and construction of all buildings necessary for their use, and the disbursement and expenditure of all moneys appropriated by the State of New Mexico, or which shall otherwise come into their possession, shall be vested in a board of five trustees, one of such boards for each of said institutions. Said trustees shall possess the same qualifications, shall be appointed in the same manner, and their terms of office shall be the same and the vacancies therein shall be filled in the same manner as is provided by law with reference to the regents of the State University at Albuquerque, New Mexico. Said trustees and their successors in office shall constitute a body corporate, under the name and style of "The Trustees of the New Mexico Asylum for the Deaf and Dumb," "The Trustees of the New Mexico Reform School," "The Trustees of the New Mexico Institute for the Blind" and "The Trustees of the Miners' Hospital of New Mexico," respectively, with the right as such of suing and being sued, of contracting and being contracted with, of making and using a common seal and altering the same at pleasure, and of causing all things to be done necessary to carry out the provisions of this article. A majority of such board of any of the above institutions shall constitute a quorum for the transaction of business, but a less number may adjourn from time to time. The officers of each of said boards shall be elected in the same manner and possess the same qualifications as the officers of the University of New Mexico now possess; and the secretary and treasurer respectively of each such institutions located as aforesaid, shall each give bond in the sum of ten thousand dollars, (\$10,000) to the State of New Mexico, with two or more sufficient sureties resident of this state, or by duly authorized surety company, conditioned for the faithful performance of their duties, and that they will faithfully account for and pay over to the person or persons entitled thereto, at the time and in the manner provided by law, or pursuant to contract, all moneys which shall come into their hands as such officers, which bond shall be approved by the judge of the district court within whose district the said institution is located, and after approval shall be filed and recorded in the office of the secretary of

state. The Governor shall be ex-officio a member of each of said boards, but shall not have the right to vote or be eligible to office.

(L. 1903, C. 2, § 6.)

(5) § 5110. Boards of trustees—Duties and powers.

Sec. 93. The boards of each of said institutions shall have power, and it shall be their duty, to pass and enforce by-laws, rules and regulations for the government of such institutions, for the proper carrying out of their several objects, not in conflict with the laws of the State of New Mexico, or any act of congress, and to provide all proper and necessary books, apparatus, instruments, medicines, clothing, food and supplies, and other materials or things necessary for the proper conduct of the several institutions hereinbefore named and the care, support and protection of the inmates thereof when necessary; also to employ all teachers, physicians, wardens or superintendents and employes, and to prescribe the duties and compensation of each, and they shall have full power to remove or discharge any officer or employe appointed or selected by them in any of such institutions, when in their judgment the interest of such institution shall require.

(L. 1903, C. 2, § 7.)

(6) § 5103. Age for admission—Instruction free—Children not residents.

The asylum shall be devoted exclusively to the care and instruction of the deaf and mutes, those who are either deaf or mute, of both sexes residents within the State of New Mexico between the ages of eight and twenty-one years.

All instruction shall be free: Provided, that deaf or mute children from other states or territories and Indian children under the control of U. S. Indian agents, may be received and educated in said asylum, under such rules and regulations as the board of trustees may prescribe; but in no event shall such children be admitted, except upon the payment or guaranty of at least two hundred and twenty-five dollars for the school year on the basis of nine months for such year, and the president of such board of regents is hereby authorized to make and enter into on behalf of the said asylum, all necessary agreements and contracts with the U. S. Government and the proper authorities of such other states and territories for the reception and education of such children; and he is further authorized to receive and receipt for all moneys paid upon such account and to endorse and transfer all checks, vouchers or other evidences of payment made or received in behalf of such asylum.

(L. 1899, C. 42, § 3.)

(7) Lands.

Act Congress, 6-21-10.....50,000 acres

(8) Appropriations, 8th and 9th fiscal years.

Maintenance \$22,000

(S. B. 75, L. 1919.)

INSTITUTE FOR THE BLIND.

(ARTICLE 9.)

(For Compulsory Attendance See Page 72.)

- (1) Confirmation as State educational institution.
- (2) Purpose and object.
- (3) Appropriations.
- (4) Powers.

(1) (Confirmed as State Educational Institution.)

(Sec. 11, Art. XII, State Constitution.)

(2) § 5105. Institute for the blind—Entrance conditions—Payment of charges.

Sec. 88. The New Mexico Institute for the Blind is intended and meant for the proper instruction of the blind youth of the state.

(L. 1907, C. 4, § 1.)

(3) Appropriations—8th and 9th fiscal years.

Maintenance \$27,000

Completion hospital, available 8th fiscal year only..... \$7,500

(S. B. 75, Laws 1919.)

(4) Powers.

(Same as Deaf and Dumb. See Page 31.)

CHAPTER 3.

RURAL SCHOOLS AND DISTRICTS

- Art. 1. County Boards of Education. (Page 34.)
Art. 2. County School Superintendent. (Page 38.)
Art. 3. School Directors. (Page 40.)
Art. 4. County High Schools. (Page 42.)
Art. 5. Houses and Bonds. (Page 43.)

(See also School Property, Finance, Etc.)

COUNTY BOARDS OF EDUCATION. (ARTICLE 1.)

- (1) Creation, corporation, powers.
- (2) Members, appointment, terms, county superintendent.
- (3) Classification and reference.
- (4) Officers, records, meetings, compensation.
- (5) Powers, general.
- (6) Powers, school maintenance and management.
- (7) District boundaries, location, expenses.
- (8) District boundaries, change and consolidation.
- (9) District boundaries, inter-county consolidation, method.
- (10) Boundaries, inter-county consolidation, funds.
- (11) Boundaries, inter-county consolidation, directors.
- (12) Boundaries, inter-county consolidation, taxes, effect.
- (13) Agencies for board, appointment and revocation.
- (14) Property, title, eminent domain.
- (15) Funds, apportionment.
- (16) Funds, payment, record.
- (17) Funds, warrants, obligations.
- (18) Warrants, certificates of indebtedness, limitation.
- (19) Grades, limitation of, combination.
- (20) Flags, purchase of.
- (21) Savings clause.

(1) Creation, corporation, powers.

Sec. 1. For the purpose of centralizing control over the rural schools and more economically administering the funds thereof, there is hereby created in each and every county in the state, and in each and every county hereafter created in this state, a county board of education, which shall be a public corporation capable of suing and being sued, contracting and being contracted with, and acquiring, holding, possessing, and disposing of both real and personal property including the power to hold in trust all property and funds for the use of any rural district, together with such other powers as are hereinafter described. Such corporation shall be styled "_____ County Board of Education," in which name it shall sue and be sued, contract and be contracted with, acquire, hold, possess, and dispose of all real and personal property.

(C. 105, L. 1917.)

(2) Members, appointments, terms, county superintendent.

Sec. 2. Immediately after the provisions of this act shall become effective each of the district judges in the state, for each county in his respective district, shall appoint from the electors of the county, no more than two of whom shall belong to the same political party, four persons as members of the county board of education, at least one of whom shall be appointed from each county commissioner's district and not more than one of whom shall be resident of an incorporated city, town, or village in the county. Two of such appointees shall be designated by said judge to hold office for a term of four years and two for a term of two years from and after their appointment and qualification. Every two years thereafter each of such judges shall appoint two members to each of said boards to hold office for a term of four years and until their successors are appointed and qualified, but in no event shall more than two members of said board be appointed from among the residents of any one county commissioner's district nor more than one from among the residents of an incorporated city, town or village. The county school superintendent of each county shall be a member of said board and the president and presiding officer thereof, but shall receive no additional compensation therefor.

(C. 105, L. 1917.)

(3) Classification—Reference.

Sec. 3. For the purpose of this act incorporated cities, towns and villages and territory attached thereto for school purposes shall be known as municipal school districts or referred to herein as municipal schools and all others as rural school districts or referred to herein as rural schools.

(C. 105, L. 1917.)

(4) Administration—Compensation.

Sec. 4. The members of said board shall annually elect one of their members as vice president and one as secretary, the former to preside at all meetings which the president thereof does not attend, the latter to record and keep in a book furnished for that purpose all the official proceedings of said board. All meetings shall be called and attended by the county school superintendent, but in no case shall any official business be transacted by said board in the absence of the president thereof, except where the waiver in writing of his presence has been filed with the said board. The board shall hold a meeting at least once in every two months and shall have power to call such special meetings as the president shall deem necessary. All the members of the said board except the county school superintendent shall be reimbursed from the school funds upon the warrant of the president of said board for money by them expended for actual cost of transportation to and from the place of meeting, at the rate of five cents per mile for every mile actually and necessarily traveled and shall, also, receive two dollars and fifty cents (\$2.50) per day for every day actually consumed in holding meetings, but no member shall receive in any one calendar year more than the total sum of twenty-five dollars as per diem fees nor be reimbursed for said traveling expenses for more than ten meetings in any one calendar year. The majority of the board shall constitute a quorum. The books and papers of said boards shall be kept in the office of the county school superintendent.

(C. 105, L. 1917.)

(5) Powers, general.

Sec. 5. The said board shall have full power and control over all rural schools and districts and the funds thereof, including high schools in rural districts and the funds thereof, except as such power is now conferred upon the State Board of Education and the State Superintendent of Public Instruction. Said boards shall, also, have power to contract for and purchase all sites, buildings, equipment or other property for schools. All rural school moneys in the respective county treasuries and all such money credited or to be credited to said schools shall be expended and disbursed upon warrant of the county board of education only, signed by the president thereof, and countersigned by the secretary thereof, and no contract of expenditure of said funds or any part thereof hereafter made, except in the manner herein specified, shall be valid. No expenditures shall be made by said board involving more than two hundred dollars except upon written contract of said board, and no contract involving an expenditure of more than five hundred dollars shall be made by said board, except upon sealed proposals and to the lowest responsible bidder. All equipment and supplies for rural schools, whenever feasible, shall be purchased by said board in quantities and at wholesale prices. Teachers shall be employed by the board of school directors with the approval of the county board of education.

(C. 105, L. 1917.)

(6) Powers—Expenses.

Sec. 8. County boards of education and boards of education of municipal districts shall have power and be required to provide, by building, purchasing, or leasing, suitable school houses; to keep same in repair, to provide the necessary furniture therefor, to provide for fuel and light, for the payment of teachers' wages, as well as other employees excepting only the county school superintendent; to provide for the payment of interest on school bonds and the redemption thereof, and to defray all other expenses connected with the proper conduct of the public schools in their respective districts.

(C. 105, L. 1917.)

(7) § 4942. Boundaries, locations, expense of.

The boundary lines and corners of all school districts shall be accurately located by the county surveyor of each county at the request of the superintendent, who shall prepare a map showing the districts as contemplated in Section 4905. The expense of such proceedings shall be charged to the county wherein the school district is situated and be allowed by the board of county commissioners at the discretion of said board not to exceed fifty (\$50.00) dollars a school district.

(L. 1907, C. 97, § 23.)

(8) Change—Consolidation.

Sec. 7. Rural school districts may be changed, abolished, altered, and consolidated and the boundaries thereof altered or changed by the respective county boards of education in their discretion, but nothing herein shall affect the provisions of Section 4877, Code of 1915. Provided, however, that the territory within a school district shall not be reduced so as to make its bonded indebtedness exceed four per cent. of its assessed valuation, and provided further that whenever a new school district is created or the boundaries of the old district materially altered, the county board of education shall apportion the school fund by way of credit as provided by law. After paying all indebtedness of the old dis-

trict that is chargeable to the common school fund, if any balance remains, the county board of education shall credit the said balance between the old and the new district in proportion to the number of children of school age in each. All other resources such as school houses, proceeds from sale of bonds, and all other similar indebtedness shall be divided between the old and the new districts in proportion to the taxable property according to the assessed value in each. In making such adjustment the county board of education is authorized to use such plans or means as will best subserve the mutual interests of the districts and the decision of said board thereon shall be final, subject only to the right of appeal to the district courts. In the event of a vacancy in the office of school director because of the exercise of the power herein contained, the same shall be filled as provided for in Section 4854, Code of 1915.

(C. 105, L. 1917.)

(9) Consolidation, inter-county, method.

Sec. 1. Upon the joint action of two or more county boards of education, having jurisdiction, contiguous rural territory, situate and lying in a compact body in two or more counties, may be consolidated into a school district by a vote of a majority of each of the said boards at a joint meeting thereof. The said vote shall thereupon be certified to the respective county clerks of said counties and to the superintendent of public instruction. The said vote, favorable to consolidation, shall constitute the act of consolidation. The county which, at the time of the consolidation, has the larger or largest number of school children within the consolidated school district, as shown by the last official school enumeration preceding such consolidation, shall be known for the purposes of this act as the dominant county, and the others, the servient county or counties. The board of education of the dominant county shall constitute the governing body of said consolidated district, with the same control over the finances thereof as it now has over the other rural school districts of the county.

(H. B. 61, L. 1919.)

(10) Consolidation, inter-county, funds.

Sec. 2.—All school funds of each county contributing territory to said consolidated school district shall be apportioned to the fraction of said consolidated school district that lies in such county, in the same proportion per capita of school children therein as would be required by Section 11 of Chapter 105 of the Laws of 1917, were such fraction a separate school district of such county. Immediately after every apportionment, the treasurer of each servient county shall transfer the amount due said consolidated school district from his county, to the treasurer of the dominant county who shall credit the same to said consolidated school district.

(H. B. 61, L. 1919.)

(11) Consolidation, inter-county, directors.

Sec. 3. Upon consolidation, under the provisions of this act, the school directors of the former school district of the dominant county shall become the directors of the consolidated school district until the next regular election of school directors, and shall have all rights, powers and duties specified by law for other school directors.

(H. B. 61, L. 1919.)

(12) Consolidation, inter-county, effect, taxes.

Sec. 4. School districts or parts of school districts consolidated under the provisions of this act, except as herein otherwise provided, shall become, to all intents and purposes, a school district of the dominant county. Elections in school matters being held and conducted, and bonds issued for school purposes in the same manner as are held or done in other rural school districts. Special taxes for local school district purposes and for the payment of the bonds of said consolidated school district shall be collected with other taxes by the different counties on the property in the fractions of said consolidated school district therein situated, and the treasurer of each of the servient county or counties, shall pay such taxes to the treasurer of the dominant county to be used for the purposes for which they were levied.

(H. B. 61, L. 1919.)

(13) Agencies, appointment and revocation.

Sec. 9. The county board of education may constitute any board of school directors in its county its agent for the purpose of executing any of the ministerial powers herein granted to and chargeable against the said county boards of education, which delegation of authority shall be in writing and may be revoked at the pleasure of said board.

(C. 105, L. 1917.)

(14) Property, title, eminent domain.

Sec. 6. The title to all property, both real and personal, of schools in rural districts

shall be vested, and is hereby vested, in the county board of education, but nothing herein shall be construed as impairing the security of any bonds of any district heretofore issued or now in process of being issued. The right to acquire real estate for school purposes for rural districts is hereby vested in said board, by way of eminent domain, to be exercised in the same manner as the power is or shall be exercised under the law by railroads.

(C. 105, L. 1917.)

(15) Funds, apportionment.

Sec. 12. That Section 4837, Code of 1915, be and it hereby is amended so as to read as follows: The county boards of education quarterly, and at their next meeting after receiving notice that school funds are at their demand for apportionment to the credit of the several districts, shall properly credit such districts with the amount approved, specifying the number of the district, the number of children of school age in each district and the amount of money apportioned by way of credit thereto, and a copy of this apportionment report shall be filed within ten days thereafter in the office of the county clerk of the county, and he shall also supply a duplicate copy thereof to any newspaper printed within the county which will give publicity to the same free of charge as a matter of general information.

(C. 105, L. 1917.)

(16) Funds, payment, records.

Sec. 42. That Section 8, Chapter 79, Laws of 1915, be and it hereby is amended so as to read as follows: All payments on account of any rural school district or from the funds thereof shall be made pursuant to the warrant of the county board of education. Said boards shall keep and maintain an accurate record of all disbursements by them made, as well as the purposes for which they were made.

(C. 105, L. 1917.)

(17) Funds, warrants, obligations.

Sec. 31. That Section 4914, Code of 1915, be and it hereby is amended so as to read as follows: The county treasurer shall honor and pay all warrants drawn by the county board of education against the fund placed to the credit of the district as herein provided. In no event shall a county board of education contract for or incur obligations on such account beyond the amount of money available in the county treasury for such purposes.

(C. 105, L. 1917.)

(18) Warrants, indebtedness.

Sec. 17. That Section 4855, Code of 1915, be and it hereby is amended so as to read as follows: No board shall issue warrants or certificates of indebtedness of the school district, in excess of the amount of the levy for one year, but all school orders shall draw six per cent. interest per annum after having been presented to the county treasurer and not paid for want of funds, which fact shall be indorsed upon the order by the treasurer; and when there is sufficient money in the treasury to pay any such order the president and secretary of the county board of education shall draw an order for the interest due on said order and further interest shall cease from date of such order.

(C. 105, L. 1917.)

(19) Grades, combination.

Sec. 1. That in rural schools of the State of New Mexico where only one teacher is employed, no grades shall be taught higher than the eighth grade if there are more than six of the elementary grades being taught in such school; Provided, that two or more districts may combine and under the direction of the county superintendent and by permission of the state superintendent may designate some centrally located school where the higher grades may be taught and such provisions as are necessary for the maintenance of such schools as shall be deemed necessary may be provided for by the said superintendents together with the county commissioners.

(C. 29, L. 1917.)

(20) Flags.

Sec. 19. That Section 4860, Code of 1915, be and it hereby is amended so as to read as follows: The respective county board of education having jurisdiction of the various school districts shall procure at the expense of their respective districts, towns or cities, for every public school not provided therewith, a United States flag not less than five feet long, together with a flagstaff, and the necessary appliances therefor; and whenever the flag, flagstaff or the necessary appliances therefor of any such school shall from any cause become unsuitable for further use such boards of education shall in the same manner purchase others in place thereof.

(C. 105, L. 1917.)

(21) Savings Clause.

Sec. 10. Nothing contained in this act shall be construed to divest boards of education in incorporated territory of any of the powers possessed by them, immediately preceding the date of the passage of this act.

(C. 105, L. 1917.)

**COUNTY SCHOOL SUPERINTENDENTS.
(ARTICLE 2.)**

- (1) Eligibility to office.
- (2) Terms, right of succession.
- (3) Election, qualifying, terms.
- (4) Oath and bond.
- (5) Compensation, proviso.
- (6) Compensation when payable, fund.
- (7) Powers and duties.
- (8) Office attendance, director meetings, records.
- (9) Visiting schools, reports.
- (10) Traveling expenses.
- (11) Statistical reports.
- (12) Penalty.

(1) Eligibility, women.

Women possessing qualifications of male electors are eligible to hold office of county school superintendent.

(Sec. 2, Art. 7, State Constitution.)

(2) Terms, succession.

All county officers shall be elected for a term of two years, and after having served two consecutive terms, shall be ineligible to hold any county office for two years thereafter.

(Sec. 2, Art. 10, State Constitution.)

(3) § 4832. County superintendent, election, qualifications, term.

A county superintendent of schools for each county shall be elected at each general election, and shall enter upon the duties of his office on the first of January following his election. Said county superintendent shall hold office for two years, or until his successor shall have been duly elected and has qualified, unless sooner removed for cause.

(L. 1907, C. 97, §18, as amended by L. 1909, C. 121, §11.)

(4) § 4833. Oath and bond.

Each county superintendent shall, before entering upon the discharge of the duties of his office, take and subscribe to the oath or affirmation as provided by law, which oath or affirmation shall be filed in the office of the county clerk. Within thirty days after receiving his certificate of election or appointment as provided in this article, he shall give a bond in the sum of two thousand (\$2,000) dollars, to be approved by and filed with the board of county commissioners of his county.

(L. 1907, C. 97, §19.)

(5) Compensation.

Counties.	Amount.
First class	\$2000
Second class	1800
Third class	1500
Fourth class	1400
Fifth class	1300

"Provided, further, in counties in which there are less than eleven school districts, the preceding year, the annual salary of county superintendents of schools shall be \$750, anything hereinbefore contained to the contrary notwithstanding."

(Sec 2, C. 12, L. 1915.)

(6) Compensation, payable, fund.

Salaries of county school superintendents are payable quarterly "...out of the general county school fund."

(Sec. 14, C. 12, L. 1915.)

(7) Powers—Duties.

That Section 4834, Code of 1915, be and it hereby is amended so as to read as follows: Subject to the supervision and direction of the State Superintendent of Public Instruction, the county superintendent of schools shall have jurisdiction over all public schools within his county, except those in cities, and except as otherwise provided by law, and such

schools, including city schools, shall make such reports to the county superintendent and to the State Superintendent of Public Instruction as may be required by the State Board of Education. Each county superintendent shall visit each school within his county as often as the State Board of Education may prescribe. He shall supervise the methods of instruction employed in the various schools; consult with the school directors concerning the improvement of their schools and the keeping of their accounts; enforce compliance with the school laws; hold teachers' meetings for the advancement of the school interests of his county, and perform such other duties as are provided by law for county superintendents, and such as the State Board of Education may prescribe. On the third Monday in January, April, July and October of each year, or as soon thereafter as the county school superintendent shall receive the certificate of the Superintendent of Public Instruction signifying the amount appropriated to each county for the use of the common schools of the current year, he and the county board of education shall apportion such amount, together with the county school fund for the same purpose, to the credit of the several districts within the county, in proportion to the number of school children residing in each over five and under twenty-one years of age, as the same shall appear from the last annual reports of the clerks of the respective school districts, and such approved amounts credited to the district shall be certified by said county board of education to the directors of the respective school districts and to the county treasurer of the county; provided, that the county board of education is authorized to leave in the county school fund a sufficient amount to meet such warrants as may be legally drawn against said fund as elsewhere provided by law.

(Sec 16, C. 105, L. 1917.)

(9) § 4835. Attendance at office—Duties—Meetings of school directors.

The county superintendent is required to be in attendance at the county seat on the first Saturday in the months of August, September, October and November for the transaction of official business. He is empowered to examine from time to time the records and account books of district directors outside of incorporated cities and towns and see to it that the same are properly kept, and it is made obligatory upon all such directors to meet at their accustomed place within the district at least once every thirty days during the school term for the transaction of public business.

(L. 1903, C 119, Sec. 11.)

(10) Visiting schools—Reports.

Hereafter each county school superintendent shall visit each school room under his supervision within his county at least once a year, and at such other times as the State Superintendent of Public Instruction shall direct and spend at least one half day in each of such visits, and ascertain the condition of such schools in said districts, the age and physical condition of the pupils attending such schools, the progress being made by such pupils and all other facts tending to the betterment of such schools. Such county superintendent shall thereupon report the result of such visits to the State Superintendent of Public Instruction, with recommendations looking to the betterment of such schools, upon such forms as he may provide, a copy of which report shall be transmitted to the county commissioners of the county.

(Sec. 1, C. 101, L. 1917.)

(11) Traveling expenses.

In addition to their regular salaries county superintendents shall receive an allowance out of the general county fund, for traveling expenses actually incurred, not to exceed the following schedule on the basis of school rooms under their supervision.

In counties with less than 30.....	\$100.00
In counties with from 30 to 39 inclusive.....	150.00
In counties with from 40 to 49 inclusive.....	200.00
In counties with from 50 to 59 inclusive.....	250.00
In counties with from 60 to 79 inclusive.....	300.00
In counties with from 80 and over.....	350.00

(Sec. 2, C. 101, L. 1917.)

(12) § 4838. Statistical reports.

The scholastic year for all schools and educational institutions of whatever nature in the State of New Mexico shall end June 15th of each year. Within ten days after such date, the school directors of school districts, and the secretaries or clerks of the boards of education of town, village and city schools, located within each county, shall file statistical reports with the county superintendent, containing such items of information as are required by law. On or before July 15th of each year the county superintendents and the heads of the various educational institutions shall make their annual statistical reports to the Superintendent of Public Instruction, and thirty days thereafter the Superintendent of Public Instruction shall make his annual report to the Governor of the State.

(L. 1907, C. 97, §24.)

(13) Penalty.

That Section 4839, Code of 1915, be and hereby is amended so as to read as follows: That every county school superintendent or other officer who shall wilfully neglect or refuse to make and deliver the reports specified in Section 4838, Code of 1915, shall be deemed guilty of misconduct in office and shall be removed from office as provided by law.

(C. 105, L. 1917.)

SCHOOL DIRECTORS.**(ARTICLE 3.)**

- (1) Corporation, name.
- (2) Election, voters, ballots, oath, etc.
- (3) Terms.
- (4) Meetings, vacancies, powers.
- (5) New districts, election, superintendent's report.
- (6) Census enumeration, method.
- (7) Census enumeration, false, penalty.

(1) Corporation, name.

Sec. 14. That Section 4844, Code of 1915, be and it hereby is amended so as to read as follows: Each school district shall be a body corporate by the name and style of School District Number _____ of the County of _____, and by such name may contract and be contracted with, sue and be sued, in any of the courts of this State having competent jurisdiction.

(C. 105, L. 1917.)

(2) § 4852. Election, voters, ballots, oath, etc.

Sec. 46. On the second Monday of March of each year the directors serving at that time shall post notices of an election to be held by them on the first Monday in April by the qualified voters for one school director. Only legal voters, residing in said district, shall be qualified to vote at said election; the votes shall be by written or printed ballots, and the election shall be held between the hours of eight a. m. and five p. m. on the first Monday of April, at the public school house or some other convenient place to be specified in said notice; the result of said election shall be certified by said directors to the county superintendent, and the term of office of said directors shall begin on the first Monday of May following their election. The directors so elected shall take and file with the county superintendent, before the first Monday of May, an oath which shall be administered by the directors serving, and in said oath shall be set forth the number of said school district.

Any school director who shall fail to call the election and post the notices therefor or to correctly certify the result of such election as required in this section shall be deemed guilty of malfeasance in office and shall be disqualified from again holding said office by appointment or otherwise for a period of one year thereafter, and shall be fined not less than twenty-five dollars nor more than one hundred dollars, or imprisoned in the county jail not less than twenty-five nor more than one hundred days. And it shall be the duty of the county school superintendent to make affidavit of the facts to the district judge or before any justice of the peace and to act as prosecuting witness against said director. The said school directors shall truly canvass the vote cast at the election and send the ballots to the county school superintendent, together with their certificate of election, where said ballots shall remain in his custody for the period of thirty days, during which time notice of contests may be given by any person interested. If no such notice shall be given within such period, the county school superintendent shall destroy such ballots. But if such notice of contest be given it shall be his duty to turn the same over in exactly the same condition as they were received by him to the county clerk of his county where they may be examined under the same terms and conditions as ballots in other cases of contested elections for county officers, and the same provisions shall apply to a contest for the position of school director as is provided by law for contesting other county officers.

All legal voters residing in a school district shall be considered qualified voters of said district, entitled to vote therein.

(Act of Feb. 12, 1891, L. 1891, C. 25, §19; C. L. 1897, §1532, as amended by Act of Mar. 16, 1899, L. 1899, C. 80, §11; Act of Mar. 19, 1903, L. 1903, C. 119, §2; Act of Mar. 21, 1907, L. 1907, C. 97, §30;

(3) § 4853. Terms.

Sec. 47. At each election of such directors, only one director shall be voted for, except in case of an election to fill a vacancy for an unexpired term, and he shall be elected and hold his office for a term of three years from the first day of May thereafter.

(L. 1907, C. 98, §30.)

(4) Meetings, vacancies, powers.

Sec. 16. That Section 4854, Code of 1915, be and it hereby is amended so as to read as follows: Five days after their qualification the school directors shall meet and elect a chairman and a clerk, and two directors shall constitute a quorum, which shall be compe-

tent to discharge all the duties of a full board. Should a vacancy occur from any cause, notice shall be given to the county superintendent by the directors or a director, and thereupon said county superintendent shall appoint a director to fill such vacancy until the next election. The directors shall have the care and keeping of the school house and other property therein or attached thereto. No school house or building shall be used for any purposes other than those which may be prescribed by the county board of education.

(C. 105, L. 1917.)

(5) § 4841. New districts—Directors, how chosen—County Superintendent—Annual report.

Sec. 35. Whenever a school district shall be formed in any county, the county superintendent shall, within fifteen days thereafter, prepare and post a notice of the formation of such district, describing its boundaries and stating the number thereof, and appointing a time and place for the first district meeting to select school directors to act until the following election, at which one director shall be elected for one year, one for two years and one for three years; and he shall also furnish to the county clerk the description and boundaries of each school district as soon as practicable after the same is formed. Should there for any cause be no meeting in the newly formed district to select school directors, then the county superintendent shall appoint school directors who shall act till their successors are elected as provided by law. The county superintendent shall, on or before the 15th day of October of each year, make out and transmit in writing to the State superintendent, bearing date October 1st, a report containing a statement of the number of school districts in the county, the number, age and sex of children residing in each over five and under twenty-one years of age; the number of schools in the county; the length of time each school has been taught; the number, age and sex of pupils attending the same; the number and sex of teachers employed, branches taught and text books used; the number of private or select schools or academies in the county as far as the same can be ascertained; the number, age and sex of pupils and teachers employed and the branches taught; the amount of money raised by taxes and paid for teachers' salaries in addition to the amount of public money raised by tax or otherwise for the purpose of purchasing sites for school buildings, repairing and furnishing school houses, and such other information as the State superintendent may desire.

(L. 1907, C. 99, §1.)

(6) Census enumeration, method.

Sec. 18. That Section 4857, Code of 1915, be and it hereby is amended so as to read as follows: The Directors of schools in the several school districts in the state shall on or before the first day of September of each year, make an enumeration of all unmarried persons between five and twenty-one years of age, giving the names, ages and sex of such persons in full, and shall report the same in writing, which enumeration list shall be signed by all the directors, to the county superintendent within fifteen days thereafter. It shall be the duty of the clerk of said school districts to correctly enumerate or cause to be enumerated all unmarried persons of the respective school districts as specified herein. For said enumeration he shall be paid from the funds in the hands of the county board of education to the credit of the district, the sum of one dollar and fifty cents for each one hundred names or fraction thereof, thus enumerated. Enumeration list and the forms for enumeration herein provided shall be specified by the State Superintendent of Public Instruction.

Whenever a petition signed by one hundred qualified voters shall be presented to the board of education or school trustees of any incorporated city, town or village in this State praying therefor, any such board to which such petition is presented shall require the person appointed to make the school census at the time of making such school census to also ascertain and enumerate the number of persons residing in any such city, town or village. All resident unmarried persons between said ages shall be entitled to attend the schools of their district.

(C. 105, L. 1917.)

(7) Census, false list, penalty.

§ 4858. Census enumerators—False list.

Sec. 52. Any enumerator acting for the directors of schools of any district who shall wilfully place fictitious names, or names of persons not actually residing in said district, upon the official enumeration list, shall be declared guilty of a misdemeanor and on conviction thereof, before any court of competent jurisdiction, he shall be punished by a fine of not less than ten nor more than fifty dollars.

(L. 1905, C. 23, §2.)

COUNTY HIGH SCHOOL.
(ARTICLE 4.)

- (1) Creation.
- (2) Establishment, election, ballots, certificate.
- (3) Admission, tuition.
- (4) Control and management.
- (5) Board, powers.
- (6) Courses.
- (7) Estimates, tax levies, funds.
- (8) Levy.
- (9) Funds, apportionment, certificates, establishment.
- (10) Houses, sites, bonds.
- (11) Houses, cost, maintenance.

(1) § 4963. Establishment—Creation.

County high schools may be established as hereinafter provided in this article in each county in this State.

(L. 1913, C. 20, §1.)

(2) § 4964. Establishment, election, ballots, certificates.

When petitioners to the number of one-fifth of the electors of the county, including women qualified as provided in Section 1, Article VII of the State Constitution, shall petition to the board of county commissioners of any county requesting that an election be called to determine the question of establishing a county high school in such county at a place named in said petition, it shall be the duty of said board of county commissioners to call an election for said purpose not less than thirty days following the meeting of said board at which such petition is received. Said election shall, in all matters not provided for in this article be called, conducted and the returns made and canvassed as provided by law for the election of county officers. At said election the ballots shall read "For a county high school at _____" and "Against a county high school at _____." If a majority of votes cast at said election shall be in favor of establishing such high school it shall be the duty of said board to establish a high school at the place named in said petition by executing a certificate under the seal of said board, of which certificate duplicates shall be delivered to the county clerk and the assessor of said county.

(L. 1912, C. 57, §2.)

(3) § 4965. Id.—Admission—Tuition.

All children of school age residing in said county who have passed the elementary course of study in the eighth grade, as prescribed by the board of education of the state or the district wherein any such school is located, shall be admitted to such county high school free of tuition.

(L. 1912, C. 57, §3.)

(4) Control and management.

Sec. 36. That Section 4966, Code of 1915, be and it hereby is amended so as to read as follows: All of said high schools situate in a municipal school district shall be under the control of the board of education and all such schools situate in a rural school district shall be under the control of the county board of education.

(C. 105, L. 1917.)

(5) Boards, powers.

Sec. 41. That Section 4973, Code of 1915, be and it hereby is amended so as to read as follows: The said boards of education wherein any such high school is established shall employ and discharge teachers, regulate their salaries and shall have the power and authority to make all necessary rules and regulations and to do all things for the proper management and control of said county high school.

(C. 105, L. 1917.)

(6) Courses.

Sec. 40. That Section 4972, Code of 1915, be and it hereby is amended so as to read as follows: The said boards of education where any such county high school is established shall add to the course of study provided for such school the additional branches of manual training, domestic science, the elements of agriculture and commercial science.

(C. 105, L. 1917.)

(7) Estimates—Tax Levy—Funds.

Sec. 37. That Section 4967, Code of 1915, be and it hereby is amended so as to read as follows: For the purpose of maintaining county high schools, municipal boards of education and county boards of education wherein such high schools are situate, shall annually certify to the board of county commissioners of the county an estimate of the amount of money needed for the purpose of maintaining said schools, and thereupon the board of

county commissioners, at the time of making levies for other school purposes, shall levy not to exceed two mills on the dollar, an amount sufficient to produce the amount specified in said estimates, said tax to be collected in the same manner as other taxes; when collected by the county treasurer, said amount shall be placed to the credit of the said municipal or county board of education, as the case may be, in separate fund known as and called the "County High School Fund." The levy provided for herein shall be called the County High School Levy.

(C. 105, L. 1917.)

(8) Levy.

§ 4968. County high school—Levy.

Sec. 162. For the purpose of maintaining county high schools the boards of education or school directors of all the county high schools established in any county of the State under this article shall be permitted to levy, in addition to the levies provided by law, an additional levy to be known as the county high school levy which shall not exceed two mills upon the dollar.

(L. 1912, C. 57, §6.)

(Same as last section and probably repealed by it.)

(9) Funds, apportionment, certification, establishment.

Sec. 38. That Section 4969, Code of 1915, be and it hereby is amended so as to read as follows: The treasurer of said county shall apportion said high school fund among the high schools of the county established under this article, and if there be more than one such high school, in the ratio shown by the number of children attending such high schools during the preceding year. Provided, however, that no child shall be counted in determining said ratio who has attended said high school for less than half of the regular sessions of its high school year. At the end of each high school year the president and secretary of the said municipal and county boards of education, having such high school under oath, shall certify to the treasurer of the county the number of such pupils attending the high school during the preceding year as the basis for apportionment of the county high school fund. Provided, further, that when an additional high school shall be established it shall receive during the first school year not to exceed one-third of the moneys then in the county high school fund. Provided, further, that more than one high school may be established and designated as a county high school in any year, and in that case the county high school fund shall be apportioned among such schools on the basis of attendance during the preceding high school year for such schools. High schools now located and established in any county of the state shall be designated and established as county high schools as provided in this article.

(C. 105, L. 1917.)

(10) School houses and sites—Bonds.

Sec. 39. That Section 4971, Code of 1915, be and it hereby is amended so as to read as follows: Said boards of education wherein any such high school is established shall proceed as soon as practicable after the establishment of said county high school to secure the necessary site and buildings and are hereby authorized to bond the said district as now provided by law for the purpose of providing the necessary site and buildings.

(11) School houses, cost, maintenance.

§ 4970. Id.—Cost of building.

Sec. 164. It is hereby expressly provided that the cost of site, location of building and erection and cost thereof for any such county high school shall be entirely borne by the district where such high school is established, and the county high school fund hereinbefore provided for shall be used only for the maintenance and operation of the said county high school or high schools.

(Act of June 10, 1912, L. 1912, C. 57, §8.)

HOUSES AND BONDS.

(ARTICLE 5.)

- (1) Houses, location.
- (2) Use.
- (3) State aid in construction, maintenance.
- (4) State aid, amount, etc.
- (5) Money, borrowing limitations.
- (6) Repeal, savings clause.
- (7) Bonds, maturity, interest, sale.
- (8) Bonds, election, issuance, sale, etc.
- (9) Bonds, school district boundaries.
- (10) Bonds, assessment information.
- (11) Bonds, election, no school house.
- (12) Bonds, election unfavorable, procedure.
- (13) Bonds, election unfavorable, penalty.
- (14) School building fund.
- (15) Plans, bids, contract, bond.

(1) Houses, location.

Sec. 15. That Section 4845, Code of 1915, be and it hereby is amended so as to read as follows: No public school house or building shall hereafter be situate or erected except upon a public high way or thoroughfare.

(2) Use.

No school house or building shall be used for any purpose other than those which may be prescribed by county board of education.

(Sec. 16, C. 105, L. 1917.)

(3) State aid, construction, maintenance.

Sec. 28. That Section 4911, Code of 1915, be and it hereby is amended so as to read as follows: When the income of any school district in this state is insufficient to permit the proper maintenance of schools therein, or when any school district is in imperative need of additional funds for school purposes, it may through the county board of education petition the superintendent of public instruction for sufficient funds out of the fund herein created to enable the districts to build and construct suitable school houses or complete or properly furnish the same. The application shall describe the boundaries of the district, the amount of taxable property therein, the indebtedness thereof, the number of school children therein who can be accommodated by such school buildings and all other facts which may aid the said superintendent in determining the advisability of giving the aid provided for herein. The application shall be signed by the school directors of the district and by the president of the county board of education and be presented to the superintendent of public instruction.

(C. 105, L. 1917.)

(4) State aid, amounts, etc.

Sec. 29. That Section 4912, Code of 1915, be and it hereby is amended so as to read as follows: If the application mentioned in Section 4911 be approved by the Superintendent of Public Instruction, the Auditor of the State shall draw his warrant in favor of the treasurer of the county in which such district is situate to be by him credited to the county board of education for the school district, payable out of the fund herein created, and the Treasurer of the State shall pay said warrant upon the endorsement of the said county treasurer out of such fund. Provided, that not to exceed three hundred (\$300) dollars shall be allowed for building or completing any school building nor more than fifty dollars for furnishing any school room and in every case the school district receiving the aid shall furnish in labor or money at least one-third of the cost of the construction, completion, or furnishing of the school building or buildings. The site in all cases shall be procured by the school directors unless the county board of education otherwise consents, and the title thereof be vested in fee simple in the county board of education.

(C. 105, L. 1917.)

(Two preceding sections are unavailing in practice because no money is provided therefor.)

(5) § 4903. Money, borrowing, limitations.

Every school district, whether organized under the name of "school district" or under the name of "board of education," shall have power and authority to borrow money for the purpose of erecting and furnishing school buildings and purchasing school grounds, but such power or authority shall exist only when the proposition to create the debt shall have been submitted to the qualified electors of the district, and approved by a majority of those voting thereon. No such school district shall ever become indebted in an amount, including existing indebtedness, exceeding six per centum on the assessed valuation of the taxable property within the district as shown by the preceding general assessment.

(L. 1912, C. 13, §1.)

(See Constitution, Art. IX, Sec. 11.)

(6) §4904. Repeal and savings clause.

All laws relating to issuing and payment of bonds, interest thereon, and elections to authorize the same, shall be and remain in force as though the preceding section had not been passed, except the provisions of said laws which are in conflict with the provisions of said section.

(L. 1912, C. 13, §2.)

(7) Bonds, maturity, sale.

Sec. 22. That Section 4901, Code of 1915, be and it hereby is amended so as to read as follows: For the purpose of erecting or completing school houses the county boards of education shall have power and authority to borrow money, by issuing negotiable bonds of the district wherein such buildings are to be erected or completed, said bonds to run for a period of not less than twenty years nor more than thirty, to draw interest at the rate of not to exceed six per centum per annum, with interest payable semi-annually or annually,

but such bonds shall not be sold for less than ninety per centum of par, with accrued interest.

(C. 105, L. 1917.)

(8) Bond election—Bonds, issuance, sale, etc.

Sec. 23. That Section 4902, Code of 1915, be and it hereby is amended so as to read as follows: Before any bonds shall be issued under the foregoing section the county board of education, through the directors of the school district, shall submit to the voters of their district at the regular or any special election called for that purpose, the question of issuing bonds, giving the same notice of such meeting as is now required to be given for the election of directors, and the amount proposed to be raised by the sale of such bonds, which question shall be voted upon by the qualified electors of the district, and if a majority of all the votes cast upon that question be in favor of the issue of such bonds, then said board shall issue bonds to the amount voted, in denominations of not less than twenty-five dollars, nor exceeding five hundred dollars, due not less than twenty, nor more than thirty years after date, and redeemable at the pleasure of the district at any time after ten years, which said bonds shall be given in the name of the district issuing them and shall be signed by the president of the board of directors, countersigned by the president of the county board of education and attested by the secretary thereof. Said bonds shall be delivered to the county treasurer, taking his receipt therefor; and said county treasurer shall advertise for the sale of said bonds to the highest bidder, in at least four issues of some weekly paper published in his county, or an adjoining county, and shall countersign said bonds when negotiated; the county treasurer shall place the proceeds of such sale of bonds to the credit of the proper district, to be paid out as provided for in the manner of special district tax. The county treasurer shall stand charged upon his official bond with all bonds that may be delivered to him, but any bond or bonds not sold may be returned to the district and the treasurer credited with the same. Provided, that if such bonds are issued for the building of a school house, that the contractor constructing the same may receive in payment such bonds at their face value, or at the price offered by the highest bidder. Provided, further, that none of such bonds shall be sold for less than ninety cents on the dollar.

(C. 105, L. 1917.)

(9) § 4905. Bonds—Boundaries.

Sec. 99. No bonds of any district shall be issued or any special tax levied until the boundaries of said districts shall have been established and the property marked by monuments or by natural objects as provided by law. The boundaries of all school districts in this State, so far as possible, shall coincide with the precinct boundaries, and said boundaries shall be established by the proper authority, and the corners thereof marked by monuments or natural objects with the words, District Number —, in a permanent manner marked upon them, and an outlined map of the district made, showing the length and breadth thereof, and the proposed location of the school house; a copy of the said map to be filed with the county superintendent.

(C. L. 1897, §1545.)

(10)—Bonds, assessment, information.

Sec. 24. That Section 4906, Code of 1915, be and it hereby is amended so as to read as follows: In any school district where a special tax is in contemplation of being levied, or of bonds being issued, and after the boundaries of the district have been properly determined and marked for that purpose, it shall be the duty of the county assessor to certify to the county school superintendent, the board of directors and the county board of education a true and correct copy of the last general assessment of taxable property in the school district. Whenever a special tax is to be levied or bonds to be issued in a newly created district the assessor shall make an assessment of all the taxable property, real and personal, within the said newly created district, including therein all live stock which graze wholly within the limits thereof, and shall certify said assessment to the county school superintendent, the board of district directors, and the county board of education as provided herein.

(C. 105, L. 1917.)

(11) Bond election, no school house.

Sec. 26. That Section 4907, Code of 1915, be and it hereby is amended so as to read as follows: The county superintendent of schools for each county of this state jointly with the respective county boards of education shall have power in cases where any school district in the county does not own a school house, upon a petition signed by twenty residents of such school district, being each the head of a family and having children of school age in the family, to order the school directors of such school district to submit the question of issuing bonds of such district for the purpose of building a school house as provided for in Section 23 to the voters of such school district.

(C. 105, L. 1917.)

(12) Bond election, lost, procedure.

Sec. 27. That Section 4908, Code of 1915, be and it hereby is amended so as to read as follows: In cases where the question of issuing such bonds has been or shall be submitted to the voters of such school district, and shall fail to carry, then such county board of education shall in writing order the county treasurer to set aside such portion of the credited school fund of such district, not less than one-fifth thereof, yearly, for the purpose of eventually building a school house for such district, and such fund shall be kept for such purpose only, and such county boards of education shall, when in their opinion such fund is sufficiently large for the purpose, build or cause to be built such school house.

(C. 105, L. 1917.)

(13) § 4909. Violation—Penalty.

Sec. 103. Any person failing to perform the duties required of him by the two preceding sections, shall be guilty of a misdemeanor, and on conviction thereof shall be punished by a fine of not less than one hundred dollars nor more than five hundred dollars; and it shall be the duty of the State Superintendent of Public Instruction to see that said sections are strictly enforced, and to make all proper complaints for violation thereof; and it is further made the duty of all district attorneys to vigorously prosecute the same.

(L. 1899, C. 46, §3.)

(14) § 4910. School building fund created.

Sec. 104. Any balance remaining in the reserve fund created for the purpose of enabling school districts to hold school for a term of five months, at the end of the school year shall be set aside by the Treasurer of the State to the credit of the "School Building Fund."

(L. 1913, C. 74, §1.)

(15) Plans, bids, contract, bond.

Sec. 30. That Section 4913, Code of 1915, be and it hereby is amended so as to read as follows: Plans and specifications for the building, completing or furnishing of the school building or school buildings of the district, specified in Section 4911, shall be prepared by the county board of education or the respective school directors upon the order of said board. The county board of education shall call for sealed bids for the construction, completion or furnishing of said school building or buildings, allowing at least thirty days for filing bids, with adequate notice of date and place of opening. The county board shall open said bids and award the contract for building, completing or furnishing said school house or houses, as, in their judgment, the best interests of the district may require. A sufficient bond shall be required of the contractor for the full and faithful performance of his contract.

(C. 105, L. 1917.)

CHAPTER 4.

MUNICIPAL SCHOOLS AND DISTRICTS

- Art. 1. Provisions common to cities, towns and villages. (Pages 47-48.)
Art. 2. Cities. (Page 49.)
Art. 3. Cities and towns. (Pages 49-51.)
Art. 4. Towns and villages. (Pages 51-52.)
(See also school property, finance, county high schools, etc.)

CITIES, TOWNS AND VILLAGES—PROVISIONS COMMON TO ALL.

(ARTICLE 1.)

- (1) Reports, publication.
- (2) Bonds, classification, schools.
- (3) Bonds, issuance, limitations.
- (4) Bonds, election, denominations, execution, contractor.
- (5) Bonds, election, proclamation.
- (6) Bonds, sale, advertisement.
- (7) Bonds, registering.
- (8) Bonds, tax levy.
- (9) Bonds, interest, coupons.
- (10) Bonds, payment.
- (11) Bonds, emergency clause, effect.

(1) § 4892. Annual report—Publication.

The board of education, at the close of each school year, or as soon thereafter as practicable, shall make an annual report of the progress, prosperity and condition, financial as well as educational, of all the schools under their charge; and said report, or such portion of it as the board of education shall consider of advantage to the public, shall be printed, either in a public newspaper or in pamphlet form, and a copy furnished the county and the State superintendent.

(C. L. 1897, §1580.)

(2) Bonds, classification schools.

Sec. 1. For the purpose of this act, each incorporated city, town and village and territory attached thereto for school purposes or under the jurisdiction of the board of education thereof shall be known as a municipal school district.

(H. B. 101, L. 1919.)

(3) Bonds, issuance, limitations.

Sec. 2. That boards of education of municipal school districts shall have power and authority to borrow money for the purpose of purchasing school sites, and for the purpose of erecting and completing school houses, and for enlargement and repair of school buildings, by issuing negotiable bonds of their district to run any period of not less than twenty years nor exceeding thirty years, drawing interest at the rate of not to exceed six per cent per annum, with interest payable semi-annually or annually, at such place as the board of education issuing same may direct, which said indebtedness shall be binding and obligatory on the school district for the use of which said loan shall be made. Provided, that no such school district shall ever become indebted in an amount, including existing indebtedness, exceeding six per centum of the assessed valuation of the taxable property within the district as shown by the preceding general assessment.

(H. B. 101, L. 1919.)

(4) Bonds, elections, denominations, execution, contractor.

Sec. 3. The board of education of any municipal school district may submit to the voters of their district at the regular or any special election called for that purpose, the question of issuing bonds and the amount thereof, which question shall be voted upon by qualified electors of the district, and if a majority of all the votes cast upon that question be in favor of the issue of such bonds, then said board shall issue bonds to the amount voted, in denominations of not less than twenty-five dollars, nor exceeding five hundred dollars, and redeemable at the pleasure of the board of education of said city, town or village, at any time after ten years. Said bonds shall be given in the name of the board of education of the municipal school district issuing them, and shall be signed by the president, and attested by the clerk of such board and countersigned by the treasurer of such city, town or village where such district is situated, and shall not be sold for less than ninety-five cents on the dollar. Provided, that if such bonds are issued for the building of a school house or for the enlarging or repairing of a school building, that the contractor

constructing the same may receive in payment such bonds at their face value, or at the price offered by the highest bidder.

(H. B. 101, L. 1919.)

(5) Bonds, election, proclamation.

Sec. 4. Upon the request of the board of education, it shall be the duty of the mayor of such city, town or village forthwith to issue his proclamation for the holding of an election for the purpose of submitting to the legal voters the question of issuing bonds of such municipal school district, and he shall name therein the judges of election and the time and place of said election. Such election shall be held and conducted in all other respects substantially the same as are elections for the city, town or village officers; but the returns of such election shall be made to the board of education of the municipal school district requesting the holding of the same, who are hereby authorized to canvass such returns and their decision upon the result of such election shall be final.

(H. B. 101, L. 1919.)

(6)—Bonds—Sale advertisement.

Sec. 5. The clerk of said board of education shall advertise for the sale of said bonds to the highest bidder in at least four weekly issues of some newspaper published in the county in which such municipal school district is situated, and if there is no newspaper published therein, then in a newspaper published in an adjoining county.

(H. B. 101, L. 1919.)

(7) Bonds, register.

Sec. 6. It shall be the duty of the clerk of the board of education of said municipal school district to register, in a book provided for that purpose, or bonds issued under this act, and such register shall show the number, date and amount of said bonds and to whom made payable, the interest paid thereon and the final payment thereof.

(H. B. 101, L. 1919.)

(8) Bonds, levy.

Sec. 7. The board of education at the time of its annual levy of taxes for the support of schools shall also levy a sufficient amount to pay the interest, as the same accrues, on all bonds issued under the provisions of this act, and also to create a sinking fund for the redemption of said bonds, and said amounts when paid into the treasury shall be and remain a specific fund for said purpose only, and shall not be appropriated in any other way. Provided, there shall be no levy for sinking fund until ten years after the issue of said bonds, if they be for twenty years, and fifteen years after the issue, if they be for thirty years. Such specific fund and the property of such municipal school district are hereby pledged to the payment of the interest and principal of the bonds provided for in this act as the same become due.

(H. B. 101, L. 1919.)

(9) Bonds, interest, coupons.

Sec. 8. Whenever the interest coupons of any bonds herein authorized shall become due, they shall be promptly paid on presentation by the treasurer of such city, town or village out of any money in his hands for that purpose, and he shall endorse upon the face of such coupons in red ink the word "Paid," and the date of payment, and sign the initials of his name thereon and forthwith deliver the same to the clerk of said board of education to be by him destroyed in the presence of said board of education, at their next regular or called meeting, which fact shall be entered on record in the minutes of such board of education.

(H. B. 101, L. 1919.)

(10) Bonds—Payment.

Sec. 9. When bonds issued under this act shall have been paid, it shall be the duty of the treasurer of said city, town or village, to endorse upon the face of such bonds in red ink the word "Paid," and the date of payment, and sign the initials of his name upon the same, and forthwith deliver the same to the clerk of such board of education to be by him destroyed in the presence of said board of education, at their next regular or called meeting, which fact shall be entered of record in the minutes of such board of education.

(H. B. 101, L. 1919.)

(11) Effect.

Sec. 10. (Emergency clause.)

(H. B. 101, L. 1919.)

CITIES.
(ARTICLE 2.)

(See also Cities and Towns.)

- (1) Board, membership, terms.
- (2) Board, election.
- (3) Board, election, method, registration.

§ 4867. Board, membership, terms.

Sec. 61. The board of education in each incorporated city shall consist of five members, who shall be elected at large from such city, for the term of four years.

(L. 1912, C. 43, §1.)

§ 4868. Board, election.

Sec. 62. The qualified electors of such city and of the territory outside of said city attached thereto for school purposes, shall on the first Tuesday of April, 1915, elect two members of the board of education and on the first Tuesday of April, 1917, three members, and thereafter a regular election of members succeeding those whose terms expire, shall be held on the first Tuesday of April of each odd numbered year.

(L. 1912, C. 43, §2.)

§ 4869. Board, election, method registration.

Sec. 63. The election provided for in the two preceding sections shall be held, the returns thereof made and canvassed, and the certificates of election issued in accordance with the laws applicable to elections of officers of incorporated cities, except that no registration shall be required.

(L. 1912, C. 43, §3.)

CITIES AND TOWNS.
(ARTICLE 3.)

- (1) Reference.
- (2) School, creation, duration (terms), exclusion.
- (3) Sectarian doctrines.
- (4) Territory annexation, method.
- (5) Property, taxation.
- (6) Board, corporation, powers.
- (7) Board, members, election, terms, and qualifications.
- (8) Board, vacancies.
- (9) Board, compensation.
- (10) Board, meetings.
- (11) Board officers, president, vice-president, clerk.
- (12) President, duties.
- (13) Vice-president, duties.
- (14) Treasurer, bond, duties, compensation.
- (15) Clerk, duties.
- (16) Clerk, bond.
- (17) Board, powers.
- (18) Superintendent, employment, powers.
- (19) Superintendent, employment, term.

(1) § 4875. Reference.

All cities and towns shall be governed by the succeeding provisions of this subdivision.

(C. L. 1897, §1561.)

(2) § 4876. Schools, creation, duration (terms), exclusion.

In each city or town governed by this subdivision, there shall be established and maintained a system of free common schools, which shall be kept open no less than three nor more than ten months in any one year, and shall be free to all children residing in such city or town, between the ages of five and twenty years. But the board of education may, when school room accommodations are insufficient, exclude for the time being children between the ages of five and seven years.

(C. L. 1897, §1562.)

(See Constitution, Art. XII, Secs. 1 and 4.)

(3) § 4894. Sectarian doctrines not to be taught.

No sectarian doctrine shall be taught or inculcated in any of the public schools of the city or town.

(C. L. 1897, §1582.)

(4) § 4877. Territory, annexation, method.

Territory outside the city limits, but adjacent thereto, may be attached to such city or town for school purposes upon application to the board of education of such city or town by a majority of the electors of such adjacent territory, and upon such application being

made to the board of education they shall, if they deem it proper and to the best interests of the school of said city or town and the territory seeking to be attached, issue an order attaching such territory to such city or town for school purposes, and to enter the same upon their journal, and such territory shall, from the date of such order, be and compose a part of such city or town for school purposes only, and the taxable property of such adjacent territory shall be subject to taxation, and shall bear its full proportion of all expenses incurred in the erection of school buildings and in maintaining the schools of such city or town.

(C. L. 1897, §1563.)

(5) § 4895. Property exempt from taxation and execution.

All property held by the board of education for the use of public schools shall be exempt from taxation.

(C. L. 1897, §1583.)

(6) § 4878. Boards—Corporate powers.

The public schools of each city organized in pursuance of this subdivision shall be a body corporate, and shall possess the usual powers of a corporation for public purposes, by the name and style of the Board of Education of the city (or Town) of ———, of the State of New Mexico, and in that name may sue or be sued, and be capable of contracting and being contracted with, of holding and conveying such real and personal estate as it may come into possession of by will or otherwise, or as is authorized to be purchased by the provisions of this subdivision.

(C. L. 1897, §1564.)

(7) § 4879. Board, members, election, terms, qualifications.

No member of the board of education shall be a member of the council or town trustees, nor shall any member of the council or town trustees be a member of the board of education. Each member of the board of education shall be a qualified elector of the State of New Mexico, and shall have resided in the district at least two years next preceding the election, and shall be a tax payer.

(Act of Feb. 26, 1891, L. 1891, C. 77, §12, as amended by Act of Feb. 23, 1893, L. 1893, C. 39, §1, C. L. 1897, §1567.)

(8) § 4880. Board vacancies.

The board of education shall have power to fill any vacancy which may occur in their body. Provided, that any vacancy occurring more than ten days previous to the election and having an unexpired term of one year, shall be filled at the first election thereafter; and the ballots and returns of elections shall be designated as follows: To fill unexpired term.

(C. L. 1897, §1568.)

(9) § 4884. Board, compensation.

No member of the board of education shall receive any pay or emolument for his services.

(C. L. 1897, §1572.)

In the absence of a definite contract of employment, services rendered by a member of a board of education are presumed to be voluntary services in connection with official duty for which there can be no recovery.

(Snyder v. Bd. of Education, 10 N. M. 446; 62 Pac. 1090.)

(10) § 4891. Board, meetings.

The regular meetings of the board of education shall be upon the first Monday of each month, but special meetings may be held from time to time, as circumstances may demand.

(C. L. 1897, §1579.)

(11) Board officers, president, vice president, clerk.

The board of education, at its regular meeting in May of each year, shall organize by the election of a president and vice president from among its own members, each of whom shall serve for the term of one year or until their successors are elected and qualified; they shall also elect a clerk, who shall hold his office during the pleasure of the board, and who shall receive such compensation for his services as the board may allow.

(C. L. 1897, § 1570.)

(12) § 4887. President, duties.

It shall be the duty of the president to preside at all meetings of the board of education, to appoint all committees, whose appointment is not otherwise provided for, and to

sign all warrants ordered by the board of education to be drawn upon the treasurer for school moneys.

(C. L. 1897, §1573.)

(13) § 4888. Duties of vice president.

It shall be the duty of the vice president to perform all the duties of the president, in case of his absence or disability.

(C. L. 1897, §1574.)

(14) § 4883. Treasurer, bond, duties, reports, salary, depositories.

The treasurer of the city or town shall be ex-officio treasurer of the board of education, and shall give such bond to the board of education as the board may require, said bond to be approved by the board of education and filed with its clerk. The treasurer shall attend all the meetings of the board when required to do so; shall prepare and submit in writing a monthly report of the finances of said board, and shall pay school moneys only upon a warrant signed by the president or, in his absence, by the vice president, and countersigned by the clerk. The treasurer shall receive from the board of education fifty dollars per annum for his services as treasurer, and no more.

(C. L. 1897, §1571.)

(15) § 4889. Duties of clerk.

It shall be the duty of the clerk to be present at all meetings of the board, to keep an accurate journal of its proceedings, to take charge of its books and documents, to countersign all warrants for school moneys drawn upon the treasurer by order of the board of education, and to perform such other duties as the board of education or its committees may require.

(C. L. 1897, §1575.)

(16) § 4890. Id.—Bond of clerk.

Before entering upon the discharge of his duties, the clerk of the board of education shall give bond in the sum of one thousand dollars, with good and sufficient sureties, to be approved by the board, conditioned for the faithful performance of the duties of his office, which together with his oath shall be filed with the treasurer, all other oaths and bonds shall be filed with the clerk.

(C. L. 1897, §1576 and §1591.)

(17) § 4881. Boards, powers.

The board of education shall have power to elect their own officers, except the treasurer; to make their own rules and regulations, subject to the provisions of this subdivision; to organize and maintain a system of graded schools; to establish a high school whenever in their opinion the educational interests of the city demand the same, and to exercise the sole control over the schools and school property of the city or town.

(C. L. 1897, §1569.)

(18) § 4885. Superintendent, employment.

In addition to the privileges, powers and duties of boards of education heretofore prescribed by law, the power is granted to boards of education for districts consisting of incorporated cities to employ a city or district superintendent, who, in conjunction with the board of education, shall be authorized to hold special teachers' institutes for the instruction of teachers.

(L. 1901, C. 27, §3, as amended by L. 1907, C. 97, §30, and as further amended by L. 1912, C. 51, §8.)

(19) § 4886. Superintendent's employment, term.

District superintendents in districts consisting of incorporated cities or towns shall be employed for a term of not to exceed two years, and their duties other than now specified by law may be defined by the board of education of such incorporated city or town.

(L. 1903, C. 119, §16.)

**TOWNS AND VILLAGES.
(ARTICLE 4.)**

- (1) Board, election, powers.
- (2) Board, voters, terms.
- (3) Board, election, returns, registration.
- (4) Board powers.
- (5) Board powers.

(1) § 4870. Board of education for incorporated town or village.

There shall be elected, in each incorporated town or village, a board of education which shall consist of five members and who shall be elected at large from any portion of the territory subject to the jurisdiction of such board of education for a term of four years.

(L. 1913, C. 67, §1.)

(2) § 4871. Board, election.

The qualified electors of such town or village, and those residing within any portion of the territory subject to the jurisdiction of said board of education, shall, on the first Tuesday of April, 1915, elect two members of the board of education, and on the first Tuesday of April, 1917, three members, and thereafter a regular election for members succeeding those whose terms expire shall be held on the first Tuesday of April of each odd numbered year. Provided, that in towns incorporated under special acts, said election shall be held on the second Tuesday in April of each odd numbered year.

(L. 1913, C. 67, §2.)

(3) § 4872.—Board, election and returns, registration.

The election herein provided for shall be held, the returns thereof made and canvassed, and the certificates of election issued in accordance with the laws applicable to elections of officers of the respective incorporated towns and villages wherein said boards of education are established, except that no registration shall be required.

(L. 1913, C. 67, §3.)

(4) § 4873.—Board, powers.

The board of education shall have sole control over schools and school property within the said incorporated town or village, the territory thereto attached for school purposes, and the school district of which said town or village, before incorporation, was a part, all of which shall constitute the territory subject to the jurisdiction of such board of education for school purposes only, to the same extent as the territory located within the limits of such incorporated town or village.

(L. 1913, C. 67, §4.)

(5) § 4874. Board, powers.

Such board of education shall have all the powers and privileges and be subject to all the duties and requirements provided by law for boards of education in incorporated cities and towns.

(L. 1913, C. 67, §5.)

CHAPTER 5.

SCHOOL PROPERTY, FINANCE AND MISCELLANEOUS PROVISIONS.

- Art. 1. Property. (Pages 53-55.)
Art. 2. Taxation. (Pages 55-57.)
Art. 3. Funds. (Pages 57-62.)
Art. 4. Miscellaneous. (Pages 62-65.)

SCHOOL PROPERTY. (ARTICLE 1.)

- (1) Non-taxable.
- (2) Execution proof.
- (3) Gifts, conservation and preservation.
- (4) Insurance.
- (5) Non-insurance, penalty.
- (6) Sale, transferred, etc.
- (7) Lending credit.
- (8) Embezzlement of.
- (9) Townsite, remainder school property.
- (10) Townsite, appraisers, appointment, duties, oath.
- (11) Townsite, appraisement.
- (12) Townsite, sale, terms, limitations.
- (13) Townsite, sale notice, time.
- (14) Townsite, sale, procedure.
- (15) Townsite, new appraisement.
- (16) Townsite, sale, proceeds.
- (17) Townsite, sale, improvements.
- (18) Townsite, sale, purchaser, expenses.
- (19) Townsite, sale, conveyances.

- (1) (School property is exempt from taxation.)
(Sec. 3, Art. 8, State Constitution.)
- (2) (School property is not subject to execution.)
(Sec. 7, Art. 8, State Constitution.)
- (3) § 4918. Gifts, conservation, preservation.

In case any person or persons shall will, bequeath, or in any other way donate money or other property for the benefit of any kind of public educational institution, school district, or other educational interest, it shall become the duty of the district court of the district in which the beneficiary of such benefaction is located to see to it that said benefaction is sacredly conserved and administered in accordance with the terms and wishes of the donor or donors. Provided, that if said donor or donors have not provided for or named the executors of their wishes, the judge of said district court shall appoint three proper persons, under sufficient bond, to administer the same.

(L. 1907, C. 97, §27.)

- (4) Insurance, required.

Sec. 20. That Section 4899, Code of 1915, be and it hereby is amended so as to read as follows: The respective county boards of education are hereby required to insure all school property in rural districts and to pay all premiums thereon from the funds credit to such districts over which they may have control.

(C. 105, L. 1917.)

- (5) Non-insurance, penalty.

Sec. 21. That Section 4900, Code of 1915, be and it hereby is amended so as to read as follows: Any failure of any of the officers mentioned in the preceding sections of this article to carry out their provisions in the letter and the spirit thereof, shall subject such officers to removal and to a forfeiture of their official bond for the benefit of the school district so injured thereby.

(C. 105, L. 1917.)

- (6) Title, transfer, etc.

Sec. 33. That Section 4919, Code of 1915, be and it hereby is amended so as to read as follows: Except as otherwise provided by law, all property belonging to rural school districts, and all property the title of which is or may be vested in the county board of education, shall not be sold, transferred or disposed of, except for cash or its equivalent and with the written consent of the Superintendent of Public Instruction.

(C. 105, L. 1917.)

(7) Lending credit.

(No school district shall lend its credit or make donations.)

(Sec. 14, Art. 9, State Constitution.)

(8) § 4915. Embezzlement.

Any official, into whose hands any of the moneys or funds provided for in the preceding five sections (Secs. 4910 to 4914, inc.), shall come, or who shall use any portion of such moneys or funds, for any purpose other than the purposes herein specified and provided for, shall be deemed guilty of embezzlement and upon conviction shall be punished by a fine of not more than \$1,000 or by imprisonment for not more than five years, or both, and in addition thereto shall be summarily removed from office by the court imposing sentence and shall thereafter be ineligible to hold any office of trust or profit in the State.

(L. 1913, C. 74, §6.)

(9) § 4920. Unsold lots belong to school district.

When the corporate authorities of any town, or the probate judge of the county, for any county in this State in which any town may be situated, shall have entered at the proper land office, the land or any part of the land settled and occupied at the site of such town, pursuant to and by virtue of the provisions of the act of congress, entitled, An act for the relief of citizens of towns upon the lands of the United States under certain circumstances, passed May 23rd, 1844, and any amendments that may be made thereto, or where such land may be entered by the proper authorities under and by virtue of any special act of congress, and where the corporate authorities fail to comply with the provisions of Sections 5519 et seq and any blocks, lots, shares or parcels of said land remain unsold, the title to said unsold blocks, lots, shares or parcels of land shall vest and be in the school district in which said land is located, and it shall be the duty of the board of trustees of such town to transfer, by proper deed of conveyance, said unsold blocks, lots, shares or parcels of land to the board of education of such school district.

(C. L. 1897, §1600.)

(10) § 4921. Appraisers, appointment, oath and duties.

The board of education of any such school district shall appoint by order or resolution, a board of appraisers, to consist of three freeholders of any such school district, who shall have no interest in said unsold blocks, lots, shares or parcels of land or the improvements thereon. Each of said appraisers shall take an oath to faithfully discharge his duties as such appraiser and shall file such oath in the office of the clerk of said board of education before commencing his duties as such appraiser. In case such appraisers should fail or neglect to make the appraisalment hereinafter specified and file the same with the clerk of such board of education within ten days after their appointment, then said board may appoint a new board of appraisers for the purpose herein provided.

(C. L. 1897, §1602.)

(11) §4922. Appraisements.

Said appraisers shall appraise all such blocks, lots, shares and parcels of land, thus conveyed to such board of education, at their just and full cash value, and file their written appraisalment as aforesaid. Said appraisalment shall contain a description of each lot or parcel of land so appraised and a statement of the cash value of each lot and parcel of land so appraised. Said appraisers shall make a separate statement of the value of such lots and parcels of land without improvements and the aggregate value of both; there shall be attached to such appraisalment a written affidavit of the said appraisers, verifying each statement of such appraisalment and alleging that each of said lots or parcels of land is appraised at its just and full value.

(C. L. 1897, §1603.)

(12). § 4923. Sale, terms, limitations.

Any or all of said lots may be sold at any time by such board of education either at public vendue to the highest bidder for cash, or at private sale for cash, in the discretion of the board of education. Provided, that no block, lot, share or parcel of land shall be sold for less than the appraised value thereof.

(Act of Feb. 25, 1897; L. 1897, C. 20, §5; C. L. 1897, §1604.)

(13) §4924. Notice of sale, time.

When any of said blocks, lots, shares or parcels of land are to be sold at public vendue, the president of the board of education shall give notice, signed in his official capacity, of the time and place of sale of blocks, lots, shares or parcels of land to be sold, by advertisement, published in the county where such school district is situated, or if no newspaper is published in said county, then in the newspaper published nearest said school district. Such public sale shall be advertised to be made at some public place in said town, and to be sold at some specified time between the hours of sunrise and sunset.

(C L. 1897, §1605.)

(14) § 4925. Sale—Procedure.

Such lots or parcels of land shall be offered for sale singly, unless a greater price can be obtained by selling several lots or parcels of land together, in which case several lots or parcels of land can be sold together. Such public sale may be continued, if necessary, from day to day, for a period not to exceed three days at any one sale.

(C. L. 1897, §1606.)

(15) §4926. New appraisalment.

A new appraisalment of lots or parcels of land to be sold shall be made, in case no appraisalment thereof has been made for three months next preceeding the date of such sale. Said new appraisalment shall be made, either by the old board of appraisers, or a new board of appraisers, to be appointed in the same manner and with the same qualifications as the first board of appraisers. New boards of appraisers may be appointed whenever necessary to have any of said blocks, lots, shares or parcels of land appraised for sale.

(C. L. 1897, §1607.)

(16) § 4927. Sale, disposition of proceeds.

The moneys arising from the sale of said blocks, lots, shares and parcels of land, after defraying the expense of such sales, shall be paid into the treasury of such school district and applied to the support and maintenance of free, non-sectarian public schools, within the limits of any such school district, or used and expended by said school district in the erection of school buildings for the use of the public schools of said district and for furnishing such buildings, and for no other purpose.

(C. L. 1897, §1608.)

(17) § 4928. Rights of person making improvements.

In all cases when prior to February 25, 1897, any person may have entered thereon and improved any lots belonging to such school district, such person, after the report of such board of appraisers, may purchase any of such lots from the said board of education for cash at the appraised value of said lots, exclusive of improvements.

(C. L. 1897, §1609.)

(18) § 4929.—Purchaser to pay expenses.

All persons purchasing any lots or parcels of land as above provided shall pay for the drawing, execution and acknowledgment of the deed of conveyance, together with fifty cents to the clerk of such board of education, for attestation with seal of said board of education, by the clerk of said board.

(C. L. 1897. §1610.)

(19) § 4930. Sale, conveyances.

All conveyances of lots or parcels of land, mentioned in Section 4929, shall be signed by the president of the board of education and attested by the clerk of said board, and shall have the seal of said board of education affixed thereto, and be acknowledged by the president of the board of education in the same manner as other conveyances of real estate.

(C. L. '97, § 1611.)

SCHOOL TAXATION.**(ARTICLE 2.)**

- (1) State tax, current school fund.
- (2) County, maintenance tax, purposes, limitations and repeal.
- (3) District levies, estimates.
- (4) District tax, special levy.
- (5) District tax, credit of special levy.
- (6) Tax, appeals.
- (7) Non-application to high schools.
- (8) Poll tax, levy, against whom, amount, etc.
- (9) Poll tax, posting list, reports.
- (10) Poll tax, exemptions, soldiers, etc.

(1) State tax, current school fund.

Sec. 1. That the board of county commissioners of each county shall annually levy and collect a tax of one-half of one mill on the dollar upon all the taxable property in the county for the maintenance of the public schools, the proceeds whereof shall be paid over to the state treasurer as are other state taxes and shall be added to the state current school fund.

(C. 79. L. 1915.)

(For Apportionment State Current School Fund See Page 61.)

(2) County tax, maintenance, purposes, limitations and repeal of supervision tax commission.

The board of county commissioners shall annually, at the time of levying other taxes, levy a special school tax not to exceed eighteen mills upon all taxable property of its

respective county, which, together with the other revenues provided by law, shall produce sufficient revenue to support and maintain said schools in municipal school districts and in rural school districts where there is or is to be established a graded school with at least four teachers, for the full period of nine (9) months, and in rural school districts for the full period of seven (7), eight (8) or nine (9) months in accordance with the estimates as made and finally passed upon for such districts. And provided further that the amount which may be expended by any rural school district, where no such graded school is maintained, for all purposes except the construction, purchase, lease, repair or equipment of school houses, shall not during any school year exceed the sum of seventy dollars (\$70.00) per month per school room in which a teacher holding a third grade certificate is employed nor more than ninety dollars (\$90.00) per month per school room in which a teacher holding a second grade certificate is employed nor more than one hundred and ten dollars (\$110.00) per month per school room in which a teacher holding a first grade or higher certificate is employed, and provided further that no such rural school district shall be entitled to more than one school room for each fifty children or fraction thereof of school age within the district. Provided, in kindergarten grades and primary grades the county board of education shall employ first grade teachers only, if the same can be secured.

Sec. 2. So much of Section 4954, New Mexico Code of 1915, as is inconsistent herewith is hereby repealed, and Chapter 74 of the New Mexico Session Laws of the year 1915 is repealed in so far as the same affects school levies and salaries of school teachers.

(H. B. 60, L. 1919, effective June 13, 1919.)

(3) District tax, estimates.

Sec. 4. It shall be the duty of the school directors of rural school districts on or before the first day of May in each year to make to the county superintendent of schools an estimate of the amounts of funds necessary for the purposes described in Section 3 of this act for the ensuing year, beginning September first following, specifying separately the sums needed for purchase of land, construction, equipment, repair or leasing of buildings, interest on, and sinking fund for, bonds and the current maintenance of the schools in their respective districts. The said county superintendent shall pass upon such estimate and in case of failure by said directors in making such estimate, he shall make such estimate on or before the first day of June following, and shall thereupon, on or before said last mentioned day in each year, certify to the board of county commissioners said estimates of the rural school districts as made, passed and determined upon by him; said estimates when so certified to set forth the same facts as the estimate made to him by said school directors.

It shall be the duty of the boards of education of municipal school districts, on or before the first day of June in each year, to make and certify to the board of county commissioners of the respective counties an estimate of the amount of funds necessary for the purpose described in Section 3 of this act for the ensuing year, beginning September first following, specifying separately the sums needed for purchase of land, construction, equipment, repair, or leasing of buildings, interest on, and sinking fund for, bonds and the current maintenance of schools under their jurisdiction.

Said estimates for municipal or rural school districts shall be passed upon by the board of county commissioners before the close of its meeting in the in the month of July of each year.

(Sec. 4, C. 79, L. 1915.)

(4) District tax levy.

Sec. 6. The board of county commissioners shall annually at the time of levying other taxes levy a tax upon the taxable property within each municipal and rural school district to pay for the purchase of site for, purchase, construction, and first equipment of school houses and the interest on, and provide a sinking fund for the payment of the principal of, any indebtedness of such district.

(Sec. 6, C. 79, L. 1915.)

(5) District tax, credit.

Sec. 7. The proceeds of such special school tax for such municipal districts shall be paid to the respective treasurers thereof. The county treasurer shall take duplicate receipts therefor, one of which he shall file in his office, and the other he shall transfer to the clerk of the proper board of education. The proceeds of such special school tax for rural school districts shall be credited by the county treasurer to the respective school districts.

(C. 79, L. 1915.)

(6) Appeals, procedure.

Sec. 9. If any municipal or rural school district shall consider itself aggrieved by the action of the board of county commissioners in the estimate allowed to any district, an appeal may be taken by the aggrieved school district to the district court of the judicial district within which such school district is located on or before August 10th, in such form

and upon such conditions as the judge of the respective judicial district may prescribe. For the consideration of such appeal the said judge shall hold hearings between August 15th and September 1st, of each year and he shall, after due consideration of the alleged injustice and any statement relative thereto, which may be submitted by the aggrieved school district or board of county commissioners, making such order on or before September 10th in the matter as the said judge may deem just, which order shall be final. If in such order the estimate for any district is ordered increased or decreased, the board of county commissioners shall make the proper levy which will produce the necessary revenue therefor. The Attorney General shall, at the request of a board of education or school directors of the respective counties, enforce compliance with any order made as herein provided by mandamus or other appropriate proceeding brought in the district court.

(Sec. 9, C. 79, L. 1915.)

(7) Non-application to high schools.

Sec. 10. Nothing herein shall be construed as amending or repealing any part of Chapter 57, Laws of 1912, as amended by Chapter 20, Laws of 1913, entitled "An Act for the Establishment of County High Schools and Providing for the Maintenance Thereof."

(C. 79, L. 1915.)

(8) Poll tax, levy, amount, etc.

Sec. 34. That Section 4936, Code of 1915, be and it hereby is amended so as to read as follows: A poll tax of one dollar shall be levied upon all able-bodied male persons of the age of twenty-one years or over, for school purposes. It shall be the duty of the clerk of the various school districts of the State of New Mexico to make out separate lists of all persons liable to pay a poll tax, resident in their respective districts, and the clerk thereof shall receive three dollars to be paid by the county board of education or from the municipal school funds out of the funds to the credit of the school district for which such service is rendered, and no other person shall receive a recompense for such services. It shall be the duty of the said school district clerk to collect said poll tax and said clerk shall receive ten per centum of all moneys collected from polltaxes. The school district clerks are hereby empowered to bring suit in the name of the school district for the collection of said poll tax, if not paid within sixty days after the posting of the notice specified in Section 4937, Code of 1915. All poll taxes shall be paid to the county treasurer for the use of the respective school districts in which the same are collected, and the treasurer shall pay to the school district clerk his percentage of the gross amount collected. Provided, that no resident of any school district shall pay his poll tax to any other district than the one in which he resides; and, provided further, that no poll tax shall be received by any district clerk from any resident of any other school district. No property shall be exempt from execution in suits for collection of poll taxes and the justices of the peace and constables shall not demand fees in advance for such suits; and, provided further, that all money collected as poll tax shall be immediately transmitted to the county treasurer and by him credited to the district transmitting the same, but no such money shall be expended except upon warrant of the county board of education or municipal board of education.

(C. 105, L. 1917.)

(9) § 4937. Posting list, report.

Sec. 131. It shall be the duty of the school district clerks to make at least four copies of the names of persons liable to pay poll tax, and on the first Monday in February he shall post one of said lists in some conspicuous place in their respective districts for the information of the people, and on or before the first Monday in April the school district clerks shall report to the county clerk a complete list of said persons liable to pay a poll tax in their respective districts, and shall report said list to the county superintendent in writing, and shall report to said superintendent the amount of poll tax collected, from whom collected, the names of persons still delinquent and the reasons for such delinquency, and further one list of such persons liable to pay a poll tax shall be filed in the office of said clerks.

(Act of Mar. 14, 1905; L. 1905, C. 61, §2.)

(10) Exemptions, soldiers, etc.

Every resident of the State who has served in the army, navy or marine corps of the United States in time of war and who has been discharged therefrom by any kind of discharge except dishonorable or for misconduct, shall be exempt from paying poll tax.

(S. B. 31, Laws 1919.)

(Effective at once)

SCHOOL FUNDS.

(ARTICLE 3.)

- (1) General expenditures and bids.
- (2) Purposes applied, prohibition.
- (3) Dedication of public not private.
- (4) Financial reports.
- (5) Contracts, prohibition.

STATE FUNDS.

- (6) Deposit, creation of funds.
- (7) Permanent funds, creation and definition.
- (8) Permanent funds, investment.
- (9) Permanent funds, investment, requisites.
- (10) Permanent funds, investment, bond, etc.
- (11) Permanent funds, investment, bonds.
- (12) Permanent funds, investment, deposit.
- (13) Current and income funds, transfer to schools.
- (14) Current school fund, apportionment.

COUNTY FUNDS.

- (15) General county fund.
- (16) Forest reserve funds, apportionment.
- (17) Additions to general county fund.

(1) § 4893. Expenditures and bids.

No expenditure involving an amount greater than two hundred dollars shall be made except in accordance with the provisions of a written contract, and no contract involving an expenditure of more than five hundred dollars, for the purpose of erecting any public buildings or making any improvements shall be made except upon sealed proposals, and to the lowest responsible bidder.

(C. L. 1897, §1581.)

This section requires competitive bidding based upon plans and specifications and to attain that end some form of reasonable notice is required and is to be implied from the nature of the statute. This section applies to boards of school directors as well as boards of education.

(Mayes v. Bassett, 17 N. M. 193; 125 Pac. 609.)

(2) (Borrowed money must be applied to purposes for which obtained, or to repay loan, and to no other purposes.)

(Sec. 9, Art. 9, State Constitution.)

(3) Dedication of funds.

The schools, colleges, universities and other educational institutions provided for by this constitution shall forever remain under the exclusive control of the State, and no part of the proceeds arising from the sale or disposal of any lands granted to the State by Congress, or any other funds appropriated, levied or collected for educational purposes, shall be used for the support of any sectarian, denominational or private school, college or university.

(Sec. 3, Art. 12, State Constitution.)

(4) § 4850. Financial reports.

The clerks of the several rural districts, principals or superintendents of town or city schools shall, between the first day of June and the first day of July of each year, make a report to the county superintendent in writing, showing in detail the financial condition of the district, the amount of money received and from what source, including receipts from poll taxes, etc., district bonds or special levies, and the manner in which the same has been disbursed during the previous year, amount expended for repairs or improvements of school houses and grounds, whether rented or owned by the district, the value of all school property, amount of bonded indebtedness of district, status of interest fund, amounts paid for rent, fuel, etc., salaries paid teachers for the preceding year, the number and sex of the school population and amount expended for books for indigent children under Section 4961, and failure to properly prepare and forward said reports shall subject such clerk, principals or town or city superintendents to a fine of not more than one hundred dollars or imprisonment in the county jail not exceeding sixty days, and it shall be the duty of county superintendents to file information against such derelicts.

(L. '03, C. 119, § 8.)

(5) Contracts, prohibition concerning school authorities.

Sec. 32. That Section 4917, Code of 1915, be and it hereby is amended so as to read as follows: No county board of education, nor municipal board of education, nor any member thereof shall act as agent for any person, firm, or corporation engaged in selling school furniture, apparatus, etc., or doing any work under contract for such boards, nor shall any such boards or members thereof receive any commission on account thereof and all persons identified in an official capacity with the public schools or with the higher educational institutions supported in whole or in part by the public funds of this State are prohibited from being a party directly or indirectly to any contract, or interested in any contract, in connection with the operation or maintenance of such public schools or higher educational institutions; and any contract in which they are so interested shall be void, and the members of any educational board voting for the same shall be guilty of a misdemeanor and liable to punishment accordingly.

(C. 105, L. 1917.)

STATE FUNDS.

(6) Creation, various funds.

Sec. 1. The following funds are hereby created to the credit of which, in the respective proportions to which they are by law entitled, all moneys derived from State lands shall be deposited by the Commissioner of Public Lands with the State Treasurer, as nearly as possible on the first day of each calendar month, and the Commissioner shall keep an accurate record of all such deposits:

Common School Current Fund.
 Common School Permanent Fund.
 University Income Fund.
 University Permanent Fund.
 University Saline Income Fund.
 Agricultural College Income Fund.
 Agricultural College Permanent Fund.
 Normal School, Silver City, Income Fund.
 Normal School, Silver City, Permanent Fund.
 Normal School, Las Vegas, Income Fund.
 Normal School, Las Vegas, Permanent Fund.
 Spanish-American School, El Rito, Income Fund.
 Spanish-American School, El Rito, Permanent Fund.
 Normal School, Eastern, Income Fund.
 Normal School, Eastern, Permanent Fund.
 Being the school to be established under Section 12, of Article XII, of the Constitution.
 School of Mines Income Fund.
 School of Mines Permanent Fund.
 Military Institute Income Fund.
 Military Institute Permanent Fund.
 Reform School Income Fund.
 Reform School Permanent Fund.
 Miners' Hospital Income Fund.
 Miners' Hospital Permanent Fund.
 Insane Asylum Income Fund.
 Insane Asylum Permanent Fund.
 Penitentiary Income Fund.
 Penitentiary Permanent Fund.
 State Charitable, Penal and Reformatory Institutions Income Fund.
 State Charitable, Penal and Reformatory Institutions Permanent Fund.

To be equally distributed among the institutions as defined in Section 1 of Article XIV of the Constitution.

Blind Asylum Income Fund.
 Blind Asylum Permanent Fund.
 Deaf and Dumb Asylum Income Fund.
 Deaf and Dumb Asylum Permanent Fund.
 Permanent Reservoirs for Irrigation Purposes Income Fund.
 Permanent Reservoirs for Irrigation Purposes Permanent Fund.
 Improvement of Rio Grande Income Fund.
 Improvement of Rio Grande Permanent Fund.
 Public Buildings at Capital Income Fund.
 Public Buildings at Capital Permanent Fund.
 Santa Fe and Grant County Railroad Bond Fund, to be applied as provided by Section 4 of Article IX of the Constitution.
 State Lands Maintenance Fund.
 (C. 115, L. 1917.)

(7) Permanent funds, defined.

Sec. 2. The permanent funds created by this act shall consist of the proceeds of sales of lands belonging thereto that may have been or may hereafter be granted to the State, not otherwise appropriated by the terms and conditions of the grant, and such other moneys as may be specifically provided by law, and the income and current funds created by this act shall consist of rentals, sale of products from lands, interest on permanent funds, and anything else other than money directly derived from sale of all State lands so granted, the income derived from the investment of the permanent funds herein created, such other moneys as may be specifically provided by law, and miscellaneous income not provided for by this act.

(C. 115, L. 1917.)

(8) Permanent funds, invested, inviolability.

Sec. 3. The State Treasurer shall keep the permanent funds enumerated in this section invested in safe interest-bearing securities, and which said funds shall forever be kept intact and inviolable, as hereinafter provided, viz.: Common School Permanent Fund; University Permanent Fund; Agricultural College Permanent Fund; Normal School, Silver City, Permanent Fund; Normal School, Las Vegas, Permanent Fund; Spanish-American School, El Rito, Permanent Fund; Normal School, Eastern, Permanent Fund; School of Mines Permanent Fund; Military Institute Permanent Fund; Reform School Permanent Fund; Miners' Hospital Permanent Fund; Insane Asylum Permanent Fund; Penitentiary Permanent Fund; State Charitable, Penal and Reformatory Institutions Permanent Fund; Blind Asylum Permanent Fund, and Deaf and Dumb Asylum Permanent Fund.

(C. 115, L. 1917.)

(9) Permanent Funds, Investment, Requisites.

Sec. 4. Before the State Treasurer invests any of such permanent funds in such interest-bearing securities, it shall be his duty to secure the approval of the Governor and the Secretary of State to such proposed investment. The State Treasurer shall submit to such officials in writing the proposed investment, and the approval thereof shall be likewise made in writing by the Governor and the Secretary of State. After securing the approval of said officials to such proposed investment, it shall be the duty of the State Treasurer to submit to the Attorney General of the State a copy of the proposed bond or other security in which he proposes to invest such permanent funds, and it shall be the duty of the Attorney General to, in writing, approve or disapprove the legality of the bond or other security in which it is proposed to invest such funds, and no money belonging to any of such funds shall be invested in any security until the legality of the bond issue or other security has been approved in writing by the Attorney General. All of said moneys in said permanent funds enumerated in section three of this act shall be invested in the bonds of the State or Territory of New Mexico, or of any county, city, town, board of education or school district therein as hereinafter provided.

(C. 115, L. 1917.)

(10)—Permanent funds, investment, bonds, etc.

Sec. 5. Within thirty days after the passage and approval of this act, the State Treasurer shall notify the Governor and Secretary of State of the amounts then existing in the permanent fund as enumerated in section three of this act, and thereafter he shall notify such officers of all moneys received by him from the Commissioner of Public Lands within ten days following the receipt thereof. The State Treasurer shall keep himself informed relative to all proposed bonds issued by the State, or any county or municipality therein, and as to the ownership of bonds theretofore issued by the State or any county or municipality therein, and the market price of the same, and shall, when opportunity is offered to purchase any of such securities, propose to the Governor and the Secretary of State the purchase of such securities as he deems it advisable to buy for the benefit of such funds, and shall specify distinctly the securities which he proposes to buy, and it shall be his duty, insofar as practicable, to invest such permanent funds in such securities, subject to the provisions of this act. When the State Treasurer has on hand money belonging to such provisions of this act. When the State Treasurer has on hand money belonging to such permanent funds insufficient in amount to justify investing in such securities, or if it shall be impossible to acquire such securities at a reasonable price, the State Treasurer may propose to the Governor and Secretary of State to deposit the moneys belonging to such permanent fund in any state or national bank or banks, at not less than four per centum per annum, and such funds may be permitted to remain in such bank or banks until such time as sufficient moneys accumulate to, in the opinion of the State Treasurer, the Governor and the Secretary of State, make the purchase of the bonds authorized by this act to be purchased, practicable.

(C. 115, L. 1917.)

(11) Permanent funds, investments, bonds.

Sec. 6. The Governor and Secretary of State may approve of the purchase of bonds at a premium and direct the same paid from the permanent funds mentioned in section three of this act, but in such cases the amount of such premium so paid shall be reimbursed to said permanent fund from the income funds of the institutions or funds involved, by the State Treasurer by proper transfers on his books and records. All permanent losses to any of such funds, however, occurring, shall be reimbursed by the State Treasurer from the respective income funds created by this act.

(C. 115, L. 1917.)

(12) Permanent, investment, deposit.

Sec. 7. The State Treasurer, subject to the approval of the Governor and Secretary of

State, as in this act provided, shall have the control and direction of the investment of the funds as enumerated herein, viz.: Permanent Reservoirs for Irrigation Purposes Permanent Fund; Improvement of Rio Grande Permanent Fund; Public Buildings at Capital Permanent Fund; and Santa Fe and Grant County Railroad Bond Fund, and such funds shall be used as directed by the terms and conditions of the grants, or as directed by the Legislature of the State of New Mexico; but, as far as possible, shall be invested in the securities mentioned in section four of this act, or may be, if deemed advisable, deposited in any state or national bank or banks upon such terms and conditions as may be approved by the Governor and Secretary of State. Provided, however, that funds belonging to the Santa Fe and Grant County Railroad Bond Fund shall be used, as far as practicable, in the purchase of Series C bonds as authorized by Section 3 of Article IX of the Constitution, and if such purchases are at any time impracticable or such bonds cannot be purchased, then the balances in such fund shall be deposited in banks as herein provided.

(C. 115, L. 1917.)

(13) Current and Income, disposition of.

Sec. 8. All income and current funds created by this act for the common schools and various state institutions as enumerated in section three of this act shall be, by the State Auditor, from time to time, transferred to the credit of the schools and institutions, to be used as provided by law for the support and maintenance of said schools and institutions, subject, however, to the limitation as provided for in section six of this act.

(C. 115, L. 1917.)

(14) Current School, apportionment.

Sec. 2. That on the first Monday of March, June, September and December in each year, the state treasurer shall make a complete statement of all the monies in said current school fund and certify the same to the State Superintendent of Public Instruction. Within twenty days after the first Mondays of said months the said State Superintendent shall make an apportionment of the money in the current school fund among the counties according to the number of children of school age in each county, as shown by the returns of county superintendents of schools next preceding the making of such apportionment and shall certify such apportionment for each county to the State Auditor and Treasurer and the apportionment of each respective county to the Treasurer and Superintendent of Schools of each county. The State Auditor shall draw his warrant on the State Treasurer in favor of the proper county treasurer for the amount apportioned to his county, and said money shall become a part of the general county school fund, and shall be apportioned as other money in said fund.

COUNTY FUNDS.

(15) §4934. General school fund.

Sec. 128. The following are declared to be and are to be, temporary funds for common school purposes and shall be paid to the county treasurer to be applied by the county treasurer to the general school fund of each respective county.

First. All forfeitures or recoveries on bonds of county, precinct or State school officers.

Second. The proceeds of the sales of lost goods or estrays.

Third. All moneys arising from licenses imposed upon wholesale and retail liquor dealers, distilleries, breweries, wine presses, which may be required to pay licenses.

Thirty-three and one-third per cent, of all the moneys arising from the above enumerated sources, when collected, shall be paid in to the county treasurer to the account of the general county school fund of each county in which collected. The collector or person paying in the above enumerated moneys to the county treasurer shall receive from the county treasurer a receipt in full for the amount paid in.

All moneys accruing under the provisions of this section shall on or before the first Monday in January, April, July and October in each year, be paid into the county treasury by the officer collecting the same, who shall take duplicate receipts therefor, one of which he shall file in the office of the county clerk, and all officers who fail for two consecutive terms to make such payment and file said duplicate receipts with the county clerk, or who shall have failed to make quarterly reports as required by law, shall be liable to indictment for malfeasance in office and false swearing, and the person so indicted shall upon conviction thereof be ineligible to hold said office for the period of two years thereafter; and judges of the district court shall be required at each term to give this section of the law in special charge to the grand jury, which body is authorized to especially inquire into and make presentment of offenses committed under this article.

County treasurers shall quarterly, on or before the third Monday in March, June, September and December in each year, notify the county superintendents of schools in their respective counties of all funds coming into their hands for public school purposes during the preceding quarter and the total amount of moneys on hand then available for public school purposes.

(Act of Feb. 23, 1893; L. 1893, C. 59; C. L. 1897, §1548, as amended by Act of Mar. 19, 1903; L. 1903, C. 119, § 17 and § 19.)

As to proceeds of escheats, fines and forfeitures, see Constitution, Art. XII, Sec. 4, which provides that they shall be part of current school fund of State, and as to disposition of balance of funds see Sec. 2900.

(Cited in *Romero v. Bd. of Education*, 10 N. M. 67; 61 Pac. 109; Opinion Atty. Gen. 1910-12, pp. 55-189.)

(16) Forest reserve, apportionment.

Sec. 1. That Section 3 of Chapter 119 of the Session Laws of 1909 (§1352) be and the same is hereby amended so as to read as follows:

"Sec. 3. That such monies shall be applied in the different counties to which the same is transmitted, one-half thereof to the credit of the general county school fund and one-half to the credit of the county road fund. Provided, that in the county of Socorro one-half of such moneys apportioned to said county shall be remitted to the county treasurer of said county and by him credited to and kept in a separate fund to be known as the Forest Reserve Road Fund and shall be expended by and under the authority and supervision of the board of county commissioners of said county upon any road or roads within the forest reserves of said county, or upon roads leading from settlements or towns in such reserves to the county seat of said Socorro county. * * *"

(Sec. 1, C. 38, L. 1915.)

(17) §4935. Forfeitures of penal bonds.

Sec. 129. All moneys recovered on forfeited penal bonds or recognizances shall be paid into the court or school funds of the respective counties where the cause of action originated, or where such recovery may be had, at the discretion of the court trying said cause of action.

(L. 1899, C. 13, §1.)

(See Constitution, Art 12, §4.)

MISCELLANEOUS PROVISIONS.

(ARTICLE 4.)

- (1) Courses, English and Spanish.
- (2) Courses, general requirements.
- (3) Courses, alcohol and narcotics.
- (4) Same.
- (5) Same.
- (6) Same.
- (7) School day and month.
- (8) Flag displaying.
- (9) History of New Mexico; preparation and sale.
- (10) Control of schools.
- (11) Creation of schools.

CADET COMPANIES AND PLATOONS.

- (12) Creation, regulations, platoons.
- (13) Officers, commissions.
- (14) Officers, additional, proviso.
- (15) Drill.
- (16) Uniforms.
- (17) Commissions, cancellation, reduction to ranks.
- (18) Target practice and physical culture.
- (19) Instructors, appointment, compensation.
- (20) Target practice.
- (21) Inspectors, reports.
- (22) Reports, adjutant general.
- (23) Property, responsibility and control.
- (24) Supplies and equipment.

(1) Courses, English and Spanish.

Sec. 2. All branches of study in said schools shall be taught in the English language as in other public schools of the State; provided, however, that it is hereby made the duty of the teachers in said schools to teach, in addition to the required studies in the English language, Spanish reading to Spanish speaking pupils and to such English speaking pupils as may desire to learn Spanish reading. In addition thereto, the said teachers shall teach all Spanish speaking pupils to translate their English reading lessons into the Spanish language, to the end that such pupils may better understand that which they read in English. For the purpose of teaching Spanish reading, such Spanish text books shall be used as are commonly used in Spanish schools.

(H. B. 154, L. 1919.)

(2) §4843. Courses, general requirements.

There shall be established in each school district one or more schools in which shall be taught orthography, reading, writing, arithmetic, grammar, geography, the English language, and the history of the United States.

(C. L. 1897, §1529.)

(3) § 4863. Courses, alcohol and narcotics, study of.

The nature of alcoholic drinks and narcotics, and special instruction as to their effects upon the human system, in connection with the several divisions of the subject of physiology and hygiene, shall be included in the branches of study taught in the public schools, and shall be studied and taught as thoroughly and in the same manner as other like required branches are in said schools, by the use of text books in the hands of pupils where other branches are thus studied in said schools, and by all the pupils in all said schools throughout the state.

(L. 1912, C. 29, §1.)

(4) § 4864. Courses, drinks and narcotics—Reform school—Institute.

Adequate time and attention shall be given to instruction in this branch of study in the State educational institutions, in the New Mexico Reform School at Springer and in all teachers' institutes, and competent lecturers on this subject shall be secured for teachers' institutes.

(L. 1912, C. 29, §2.)

(5) § 4865. Courses, drinks and narcotics—Failure to instruct concerning.

It shall be the duty of the proper officers in control of any school or institution described in the two foregoing sections to enforce the provisions thereof; and any such officer, school director, superintendent, or teacher, who shall refuse or neglect to comply with the requirements of said sections, or shall neglect or fail to make proper provisions for the instruction required and in the manner specified, for all the pupils in each and every school or institution under his jurisdiction, shall be removed from office, and the vacancy filled as in other cases.

(L. 1912, C. 29, §3.)

(6) § 4866. Courses, drinks and narcotics—Teachers' certificates.

No certificate shall be granted to any person to teach in the public schools who has not passed a satisfactory examination to enable him to properly teach the branches of study provided for in the three preceding sections.

(L. 1912, C. 29, §4.)

(7) § 4849. School month—School day.

The school month shall consist of four weeks of five days each, and a school day shall consist of six hours.

(C. L. 1897, §1557.)

(8) § 4861. Displaying flag.

The school directors or boards of education in the various districts, cities and towns in the State shall cause the United States flag to be displayed upon the public school buildings or premises therein during school hours if in their best judgment it be practicable, otherwise at such times as they may direct, and such boards of school directors or boards of education shall also establish rules and regulations for the proper care, custody and display of the flag; and when, for any cause, it is not displayed, it shall be placed conspicuously in the principal room of the school building.

(L. 1905, C. 48, §2.)

(9) § 4959. History of New Mexico, preparation and sale.

Sec. 153. The said History and Civics of the State of New Mexico shall be prepared by a known historian of the State and shall be sold at a price to be fixed by the State Board of Education not to exceed one dollar per volume.

(Act of June 8, 1912; L. 1912, C. 41, §3.)

(10) Control.

Sec. 3. The schools * * * provided for by this Constitution shall forever remain under the exclusive control of the State. * * *

(Sec. 3, Art. 12, State Constitution.)

(11) Creation of schools.

Sec. 1. A uniform system of free public schools sufficient for the education of, and open to, all children of school age in the State shall be established and maintained.

(Sec. 1, Art. 12, State Constitution.)

CADETS (SCHOOL) (C. 91, L. 1915).

(12) School cadet companies, creation, regulations, platoon.

Sec. 1. The male students of any State educational institution or of any high school in this State, having forty or more such students, fourteen years of age or over, may be organized into a school cadet company, or companies, of not less than forty members each, under such rules and regulations as the governing body of any such school or institution may prescribe; provided, that in the event any such school or institution shall have less than forty and more than twenty such students they be organized into a school cadet platoon. Said cadet companies or platoons shall at all times be under the guidance and control of the principal of the said school, whose duty it shall be to make regulations regarding the moral, educational and physical welfare of the said cadets.

(13) School cadets, officers, commission national guard.

Sec. 2. The said companies shall have one cadet captain, one cadet first lieutenant, one cadet second lieutenant, and such non-commissioned officers and privates as correspond to the non-commissioned officers and privates of the infantry companies of the National Guard of New Mexico. The commissioned officers of such companies shall be commissioned by the Governor of the State from a list of nominees submitted to him by the principal of the school or institution wherein the company is organized, and the non-commissioned officers shall be appointed by the captain. In the event that there are less than enough students in any such institution or school than is required to form a company under the provisions of this act, and a platoon is formed, such platoon shall be commanded by one lieutenant and shall have such non-commissioned officers as the like unit of the National Guard of New Mexico.

(14) School cadets, additional officers, proviso.

Sec. 3. In case any institution or high school has more than one company, it shall have one cadet major, who shall be elected by the commissioned officers of the companies, one cadet adjutant and one sergeant major who shall be appointed by the major.

(15) School cadets, drill.

Sec. 4. Said cadets shall drill in accordance with the drill regulations prescribed by the United States army.

(16) School cadets, uniform.

Sec. 5. Said cadets may wear a uniform similar to that prescribed for the National Guard of New Mexico, the same to be designed by the Adjutant General of the State.

(17) School cadets, commissions cancelled, reduction to ranks.

Sec. 6. Any commissioned cadet officer, or non-commissioned officer, may have his commission or warrant cancelled, and be reduced to the ranks, by the principal of the school or institution for falling back in his studies, or for misbehavior, either in school or in the cadet company, or platoon, or for other good cause appearing in the judgment of said principal. Provided, however, that in the event the cause of removal is military misbehavior of any commissioned officer the order of removal must be approved by the Governor of the State before the same shall be effective.

(18) Target practice and physical culture.

Sec. 7. Target practice and physical culture shall constitute a part of the instruction to be given to said cadets, and all target practice shall be under the supervision of competent members of the National Guard of New Mexico, detailed for that purpose by the Adjutant General of the State.

(19) Instructor, appointment, compensation.

Sec. 8. The Adjutant General of the State shall detail from the organization of the national guard, when practicable, some competent member thereof, who shall act as drill, physical culture and rifle practice instructor for said school cadets. The Adjutant General may provide for compensating the person or persons detailed by him to instruct said cadets as aforesaid.

(20) Target practice.

Sec. 9. Whenever practicable, said cadets shall be permitted to shoot at target practice upon national guard rifle ranges, under the supervision of national guard instructors.

(21) Inspectors, reports.

Sec. 10. Inspectors of the national guard shall inspect and report on said school cadet companies and platoons at least once each year.

(22) Institutional reports, Adjutant General.

Sec. 11. The Adjutant general shall provide suitable drill regulations, books of instruction and the necessary blank forms for reports for each of said schools or institutions having a cadet company, relating to the drill, physical culture, target practice, attendance, discipline and condition of property of such cadet organizations. Such reports shall be made and forwarded, in duplicate, one copy to the Superintendent of Public Instruction and one copy to the Adjutant General's office, semi-annually, and shall bear the endorsement of the principal of said school, containing such remarks as the principal may deem pertinent.

(23) Property, supervision and control.

Sec. 12. The principal of the school or institution shall be responsible for all public property supplied to said cadet companies or platoons, and shall supervise the proper care thereof.

(24) Supplies, Adjutant General.

Sec. 13. The adjutant general may furnish to any such company or platoon equipment or supplies from any surplus funds at the disposal of his office.

CHAPTER 6.

TEACHERS.

Art. 1. Qualifications and compensation. (Pages 66-68.)

Art. 2. Institutes. (Pages 68-69.)

Art. 3. Student Teachers. (Pages 69-71.)

QUALIFICATIONS AND COMPENSATION.

(ARTICLE 1.)

- (1) Legal qualifications.
- (2) History and civic qualifications.
- (3) Alcoholic drinks and narcotics.
- (4) Certain rural schools Spanish required.
- (5) Tuberculosis.
- (6) Health certificates, tuberculosis.
- (7) Health certificates, fee.
- (8) Tuberculosis, finding of, appeal.
- (9) Tuberculosis, finding, penalty, appeal.
- (10) Tuberculosis, complaint against teacher, procedure.
- (11) Compensation, third and second grades, permits; closed school.
- (12) Compensation, payment monthly.
- (13) Compensation withheld when.
- (14) Duties.

(1) § 4815. Legal Qualifications.

A legally qualified teacher to teach in any school district, incorporated town, city, village, or independent district, shall be one who has been certificated as prescribed in Section 4813, and who possesses a certificate of attendance upon some county teachers' institute, or summer school, approved by the superintendent of public instruction, held within twelve months, or has an approved excuse for non-attendance; or one who holds a legal permit to teach in this State. Any county superintendent, member of a board of school directors, member of a board of education, county treasurer, or other person, who shall directly or indirectly cause the public school funds to be paid for teachers' services to any other person than a legally qualified teacher shall be guilty of a misdemeanor, and upon conviction thereof shall be fined in the sum of not less than one hundred (\$100) dollars nor more than five hundred (\$500) dollars for each and every offense, and may be removed from office in the manner provided by law.

(L. 1907, C. 97, § 8.)

(2) § 4957. Qualifications, history and civics.

No teacher of the first and second grades shall be granted a certificate to teach, by the Board of Education of the State of New Mexico, unless said teacher shall have passed a satisfactory examination in the History and Civics of the United States, as well as in the History and Civics of the State of New Mexico.

(L. 1912, C. 41, § 1.)

(3) Alcoholic drinks and narcotics.

(See rural schools. (Page 63.)

(4) Spanish language required when.

Sec. 1. No teacher in a rural school district inhabited principally by Spanish-speaking people shall teach or be employed to teach therein unless he or she shall be proficient in the reading, writing and speaking of the English and Spanish languages; provided, however, that this prohibition shall not apply whenever teachers with such qualifications and with the other necessary requisites prescribed by law cannot be obtained.

Sec. 3. Chapter 14 of the Laws of 1917 is hereby repealed.

(L. 1919, effective June 13, 1919.)

(5) § 4948. Teachers having tuberculosis, employment prohibited.

No person shall be employed as a school teacher, instructor or professor in any public school or other educational institution, in the State of New Mexico, supported in whole or in part by revenues derived from taxes paid into the public treasury by the taxpayers of this State, who shall be afflicted with the diseased called tuberculosis, commonly known as consumption, in a transmissible form.

(L. 1901, C. 43, § 1.)

(6) § 4949. Teachers, health certificate required.

Before any person shall be employed as a school teacher, instructor or professor in any public school or other educational institution in this State, he shall file with the governing

authorities of the school district, board of education, board of regents or other governing educational body of any university or college, a certificate from any reputable physician, who is a resident of New Mexico and has a license to practice medicine in New Mexico, and who is not himself afflicted with the disease, that the said person is not at the time of the examination to be made by said physician, afflicted with the said disease called tuberculosis, commonly known as consumption as hereinbefore defined.

(Act of Mar. 18, 1901; L. 1901, C. 43, §2, as amended by L. 1903, C. 92, §1.)

(7) § 4950. Health certificate, fee.

For the making of the said examination and for the making of the certificate provided for, the physician making the same shall charge a fee of two dollars and no more.

(L. 1901, C. 43, §4.)

(8) § 4951. Teachers having tuberculosis, finding of physician, appeal.

Whenever such physician shall find the applicant to be afflicted with tuberculosis, or what is commonly known as consumption, it shall be his duty to at once notify the superintendent of public instruction of New Mexico, giving the name, age and sex of the applicant, together with the date of examination and a general statement of the case. Whereupon it shall be the duty of said superintendent to at once notify the school superintendents of each county in New Mexico of the information he has received. And in case any applicant so examined shall feel aggrieved he may take appeal to the New Mexico Board of Health and present himself for examination, and it shall be the duty of said board of health to thoroughly examine such person, and the result and decision of said board shall be final, and such decision shall be certified by it to the superintendent of public instruction of New Mexico, who shall thereupon notify the different school superintendents of each county.

(L. 1903 C. 92, §1.)

(9) § 4952. Teachers having tuberculosis, finding of physician, second examination prohibited, appeal.

No person who has been examined by a physician as above provided, and has been rejected by such physician, shall apply to any other physician for examination or certificate, but he shall have right of appeal to the Board of Health of New Mexico. And if any person shall apply to any other physician in violation of this section, he shall be deemed guilty of a misdemeanor, and upon conviction shall be fined in any sum not to exceed one hundred dollars (\$100.00) and shall not be eligible as a school teacher in any county of New Mexico.

(L. 1903, C. 92, §2.)

(10) § 4953. Teachers, complaint against for health reasons.

If at any time there shall be lodged with the governing authorities of any school district, board of education, board of regents or other governing educational body, a complaint signed by any taxpayer of this State, setting forth that in his opinion any school teacher, instructor or professor is afflicted with the disease known as tuberculosis, commonly called consumption, as hereinbefore defined, such governing authorities, board of education, board of regents or other educational body shall forthwith require such person so claimed to be afflicted with tuberculosis, to submit to an examination by any reputable physician, who is a resident of New Mexico and has a license to practice medicine in New Mexico, and who is not himself afflicted with the disease, and unless such person shall within ten days thereafter file with the school authorities a certificate of such physician that he is not afflicted with the disease commonly known as tuberculosis or consumption, such person shall be forthwith discharged from employment as such teacher, instructor or professor, and no warrant or order for any salary or wages to any such person shall be paid by any school or other treasurer until such certificate shall have been obtained and filed as provided for in this section.

(Act of Mar. 18, 1901; L. 1901, C. 43, §5, as amended by L. 1903, C. 92, §1.)

(This section does not prevent the dismissal of a school teacher for reasons other than those stated.)

(State v. Board of Education, 18 N. M. 183, 135 Pac. 96.)

(11) § 4954. Compensation, second and third grades, permits, closed school.

The maximum salary that shall be paid to any teacher employed to teach in the public schools in this State holding a certificate not higher than a third grade shall be fifty (\$50.00) per month; the maximum salary that shall be paid to a holder of a certificate not higher than a second grade shall be seventy-five (\$75.00) dollars per month. Provided, that permits shall in no case be classed as higher than a third grade certificate, but if a holder of a permit shall secure a regular teachers' certificate during the term for which he is engaged, the salary for the entire term may be fixed in accordance with the grade of said certificate. Provided, further, that a teacher employed in any of the public schools of this State shall be entitled to full pay for a period not to exceed one month during which the

school may be closed by the board of school directors, board of education, or board of health, on account of loss by fire, danger from contagious disease, or other similar cause. These provisions shall apply to the public schools in cities, towns and villages as well as in rural districts. Any school director, member of board of education, or other person violating the terms of this section shall, upon conviction in a court of competent jurisdiction, be fined in the sum not less than ten (\$10.00) dollars nor more than one hundred (\$100.00) dollars, or imprisoned for a term not less than ten days nor more than ninety days, and may be removed from office by proper procedure.

(Act of Mar. 21, 1907; L. 1907, C. 97, §26; as amended by L. 1909, C. 121, §10.)

(For act pretending to increase compensation of teachers in ungraded rural schools, see p. 55.)

(12) § 4955. Teachers, payment monthly.

All public school teachers engaged in teaching within incorporated cities, towns and villages, as well as in any other public schools in the State of New Mexico, shall be paid monthly, unless there are no funds available, in which event they shall be paid so soon as the funds are available therefor.

(L. 1901, C. 57, §1.)

(13) § 4956. Teachers, records and reports, failure, salary warrants.

Every person employed to teach a school shall keep a proper record, and at the end of each term make a report to the county superintendent, showing the whole number of pupils that have attended the school during such term, giving the names, age and sex, the average daily attendance, the branches taught, and such other facts as may be deemed important as showing the character of the school and the proficiency of the pupils; and for failure to make such report, he may be fined in the sum of not more than fifty dollars, upon conviction before any justice of the peace. No person shall be paid any money for teaching any school outside of incorporated cities, towns and villages, until an order is presented, signed by two of the school directors of the proper district and indorsed by the county superintendent.

(C. L. 1897, §1536.)

(14) § 4958. Duties, history and civics.

It shall be the duty of the teachers in the public schools in the State to give such instruction as is practicable in the History and Civics of the United States with special reference to the History and Civics of the State of New Mexico, which said instruction may be given orally or by study of text books covering the subject and which said text books shall have been adopted by the State Board of Education.

(L. 1912, C. 41, §2.)

INSTITUTES.

(ARTICLE 2.)

(1) § 4813. Holding of, term, etc.

The county superintendents of public schools shall hold annually in their respective counties, for a term of not less than two weeks, a teachers' institute for the instruction of teachers and those desiring to teach. The county superintendents of the public schools, with the advice and consent of the superintendent of public instruction, shall determine the time and place of holding such institutes, and shall select conductors and instructors for the same and provide for the compensation thereof. No person shall be selected or shall serve as conductor or instructor who does not hold a certificate from the State Board of Education authorizing him or her to do so. It shall be compulsory upon all persons who expect to teach in any school district, independent district or incorporated town, city or village, to attend at least two weeks of the county institute or to show a certificate of attendance upon some county institute or summer school approved by the Superintendent of Public Instruction held within the year. Teachers who hold a third grade county certificate or a permit to teach, and who have taught at least three months of school during the twelve months previous to the time of holding any county institute, may, upon attendance upon a county institute for a full term of four weeks receive the sum of fifteen dollars (\$15) from the Treasurer of the State, upon the order of the State Auditor, of the funds arising from the rental or sale of the common school lands of the State, upon presenting to the State Auditor a certificate from the county school superintendent of the county in which the institute is held, and signed by the institute conductor and the State Superintendent of Public Instruction, certifying that said teacher has complied with the provisions of this section; and such teachers are also exempt from the institute fees otherwise required. The State Board of Education is hereby forbidden to issue a certificate to any person who refuses to comply with said provisions; provided, any person, or persons, who fail to so attend by reason of sickness or good and sufficient excuse rendered to the county superintendent and approved by him and by the Superintendent of Public Instruction may be excused from such attendance. Provided, further, the State Board of Education is hereby empowered to excuse

such persons from attending the county teachers' institute as in its judgment it deems eminently qualified to teach by reason of their professional scholarship and training, and that nothing herein contained shall make it compulsory for cities which engage a city superintendent of schools who gives at least half of his time to direct supervision to hold such institutes.

The State Board of Education is hereby empowered to issue a course of study for teachers' institutes. Authority is hereby conferred upon the Superintendent of Public Instruction to authorize the county superintendent in any county wherein the conditions are such as to make it expedient to do so, to hold joint county teachers' institutes at such place as may be most convenient to all parties concerned, and when such power is delegated to a county superintendent, the expense of any such institute shall be divided equitably by the county superintendents, subject to the approval of the Superintendent of Public Instruction, among the counties participating therein.

For the purpose of meeting the expenses of the county teachers' institutes, county treasurers of class "A" shall set apart annually from the general school funds of their respective counties not less than one hundred (\$100.00) dollars; in counties of class "B" not less than seventy-five (\$75.00) dollars for such purpose; in counties of classes "C," "D" and "E" not less than fifty (\$50.00) dollars for such purpose. Provided, that in counties where an institute is held for a full term of four weeks the county treasurer shall set aside at least fifty dollars (\$50.00) more than that already provided for institute purposes. But the legitimate expenses incidental to conducting examinations ordered by the State Board of Education shall be considered as expenses incurred in connection with the teachers' institute. Provided, that the State Board of Education shall have the power to waive the holding of any county normal institute in counties where authorized summer schools are held and in counties adjacent thereto. At each session of the teachers' institute the county superintendent, upon the advice and consent of the Superintendent of Public Instruction, shall collect from each person in attendance a fee of not less than one (\$1.00) dollar and not more than three (\$3.00) dollars. The money thus collected and set apart shall be known as the "County Teachers' Institute Fund," and the county treasurer shall be its custodian, but he shall not receive any of it for his services in receiving or as such custodian. All disbursements of the Teachers' Institute Fund shall be upon the order of the county superintendent, countersigned by the superintendent of public instruction, and no order shall be drawn on said fund, except for services rendered and expenses actually incurred in connection with the teachers' institute.

(Act of Mar. 21, 1907; L. 1907, C. 97, §6, as amended by L. 1909, C. 121, §5.)

STUDENT TEACHERS.

(ARTICLE 3.)

- (1) Appointment, qualifications.
- (2) Nominations, vacancy appointment, assigning teachers.
- (3) Courses, terms.
- (4) Repeal.
- (5) Appropriations, books, board, supplies, allowances.
- (6) Appropriations, 8th and 9th fiscal years, student allowances.
- (7) Appropriations, transportation charges 8th year.
- (8) Appropriations, transportation, 9th fiscal year.
- (9) Transportation charges, teachers entitled.
- (10) Levy, funds.
- (11) Funds, payment of.
- (12) Vacancy appointments; change institutions.

(1) Appointments, qualifications.

Sec. 1. There shall be appointed annually, on or before July 1st, by the Superintendent of Public Instruction, two resident persons of the State from each county between the ages of eighteen and twenty-five years as student teachers who shall possess a diploma from the eighth grade of a public school of the State, and be entitled to special training in the schools mentioned herein.

(S. B. 98, L. 1919.)

(2) Nominations, assigning teachers.

Sec. 2. Annually, on or before July 1st, each county school superintendent shall nominate and certify to the Superintendent of Public Instruction two persons of his county possessing the foregoing qualifications, as student teachers, who shall be appointed as student teachers by the Superintendent of Public Instruction and assigned to either Normal School or the Normal University as in the judgment of the Superintendent of Public Instruction shall best subserve the interest of the State and persons so appointed. Where nominations are not made as heretofore provided, the Superintendent of Public Instruction shall appoint as student teachers from the state at large persons possessing said qualifications sufficient in number to equal with those appointed under nominations regularly made by county school superintendents a total of fifty-eight students for the scholastic year, the teachers so appointed at large to be assigned to either of said schools as in the judgment of the Superintendent of Public Instruction shall seem best.

(S. B. 98, L. 1919.)

(3) Courses and Terms.

Sec. 3. The schools wherein such student teachers are in attendance shall outline special courses of instruction for student teachers for the purposes of better fitting them as teachers in the rural schools of the State, the said courses to be completed in no less than ten nor more than twelve months. Student teachers successfully completing said courses shall receive from the State Board of Education a second grade teacher's certificate, which shall continue effective for two years from date of issue.

(S. B. 98, L. 1919.)

(4) Repeal.

Sec. 4. That Sections one, two and three, Chapter eighty-nine, Laws of 1915, be and the same are hereby repealed.

(S. B. 98, L. 1919.)

(5) Appropriation—Board, books, supplies, etc.—Allowance.

Sec. 4. The sum of fifteen thousand (\$15,000.00) dollars, or so much thereof as may be needed, is hereby appropriated to pay the expenses of such student-teachers in the respective institutions to which they may be appointed under the provisions of this act for and during the term of their appointment or attendance at such institutions.

Three hundred dollars (\$300.00) shall be allowed each institution which such student-teachers attend, for each such student-teacher appointed as set forth in this Act, to pay actual and necessary expenses for board, books and school supplies, lodging, matriculation and tuition, while in attendance at such institution. The treasurer thereof shall forward to the Auditor of the State the certificates of appointment of such student-teachers which certificates shall be vouchers for the payment of the above amount for each of such student-teachers in attendance, and the auditor shall draw his warrant for such amount on the Treasurer of the State in favor of the treasurer of any such institution entitled to receive such amount under the provisions of this act. All such warrants so issued shall be paid out of the State School Building Fund. The treasurer of any such institution shall pay out such money upon requisition of the president of such institution and each of such requisitions of the president shall be accompanied by receipted bills showing such actual and necessary expenditures. All such requisitions together with such receipted bills shall be filed and preserved in the records of the office of any such treasurer. Provided, that the amount allowed to each student-teacher for the expenses for board and lodging shall not be less than twenty dollars (\$20.00) per month and that any balance in the amount allowed each institution after all actual and necessary expenses for board, lodging, matriculation, books and school supplies for such students have been paid, shall become a part of the maintenance fund of such institution.

(Sec. 4, C. 89, L. 1915.)

(6) Appropriation, eighth and ninth fiscal years, allowance each student.

(10) For training of student teachers as provided in Senate Bill No. 98, Fourth State Legislature of New Mexico, \$17,400.00.

Provided, that \$300 shall be allowed to each institution which such student teachers attend, for each such student teacher appointed as set forth in said Senate Bill No. 98, passed by the Fourth State Legislature, to pay actual and necessary expenses, for board, books, and school supplies, lodging, matriculation and tuition while in attendance at such institution. The Treasurer thereof shall forward to the Auditor of the State the certificates of appointment of such student teachers, which certificates shall be vouchers for the payment of the above amount for each of such student teachers in attendance, and the Auditor shall draw his warrants for such amount on the Treasurer of the State in favor of the treasurer of said institution. The treasurer of any such institution shall pay out such moneys upon requisition of the president of the said institution and each of such requisitions of the president shall be accompanied by receipted bill showing such actual and necessary expenditure, which requisition, together with such receipted bill, shall be filed and preserved in the records of the office of the treasurer of such institution.

(S B. 75, Laws of 1919.)

(7) Appropriation, transportation charges, eighth fiscal year.

Sec. 1. For the eighth fiscal year of the State of New Mexico there is appropriated for the State institutions hereinafter named, to pay transportation charges in excess of three dollars (\$3.00) for fare both going to and returning from said institutions of all persons who enroll therein with a view of preparing to teach in the schools of New Mexico, the following amounts, to wit:

New Mexico Normal University.....	\$6,000.00
New Mexico Normal School.....	\$6,000.00

(S. B. 25, L. 1919.)

(8) Appropriation, transportation, ninth fiscal year.

Sec. 2. For the ninth fiscal year of said state there is appropriated for the educational institutions mentioned in the preceding section, to pay transportation charges as therein provided, the same amount for each thereof as is appropriated for the eighth fiscal year.

(S. B. 25, L. 1919.)

(9) Qualifications for teachers, transportation charges.

Sec. 3. Students in the educational institutions above named, whose transportation charges may be paid by such institutions, shall be bona fide residents of New Mexico at the time of entering such institutions, shall have attended continuously for not less than eight weeks, and shall file with the president of the institution a declaration of their intention to teach in the schools of New Mexico. The transportation charges which may be paid under the provisions of this act shall be paid but once during each scholastic year and then over the shortest practical route of travel.

(S. B. 25, L. 1919.)

(10) Levy, funds.

Sec. 4. For the eighth and ninth fiscal years the State Auditor is directed to make a sufficient levy on all property subject to taxation in this State to realize the amounts hereinabove appropriated, and to direct the several collectors of taxes to collect the same at the same time and in the same manner as other taxes are collected and paid, when the same shall be paid over to the State Treasurer who shall deposit it in a separate account to be kept by him and to be known as the "Normal Schools Transportation Charge Fund," and the State Auditor shall draw his warrants on such fund, when available, in favor of each of said institutions hereinabove named, and take receipts therefor from the treasurers thereof, and the State Treasurer shall pay the said warrants on presentation thereof to him.

(S. B. 25, L. 1919.)

(11) Payment of funds.

Sec. 5. The board of regents of the New Mexico Normal University and the board of regents of the New Mexico Normal School are hereby authorized to pay out the appropriations herein made, provided, that all claims under this act shall be itemized and sworn to, and shall in no case exceed four cents a mile for total distance actually traveled.

(S. B. 25, L. 1919.)

(12) Vacancy appointments—Change institutions.

Sec. 5. In the event that any such student-teacher, for any reason, fails to complete the course, another student-teacher may be appointed for the remainder of the term in his place, and no student-teacher shall be allowed to change from one such institution to another during the term of his appointment.

(C. 89, L. 1915.)

CHAPTER 7.

SCHOOL ATTENDANCE.

Art. 1. Right of. (Page 72.)
Art. 2. Compulsory. (Pages 72-75.)

OF RIGHT. (ARTICLE 1.)

- (1) Right to attend school, constitutional provision.
- (2) Right to attend school, violations, penalty.
- (3) Tuition.

(1) Right, constitutional provision.

Sec. 1. A uniform system of free public schools sufficient for the education of, and open to, all children of school age in the State, shall be established and maintained.

(Sec. 1, Art. 12, State Constitution.)

(2) § 4847. Right to attend school, violations, penalty.

Sec. 41. Pupils who are actual residents of a district shall be permitted to attend school in the same, regardless of the time when they acquire such residence, whether before or after the enumeration.

Any teacher, school directors or members of any board of education connected with the common schools in this State who shall refuse to receive any pupil at school on account of race or nationality, the said pupil being entitled to attend school in said district as hereinbefore provided, shall be guilty of a misdemeanor and upon conviction before any justice of the peace or district court, shall be fined in a sum of not less than fifty dollars nor more than one hundred, and imprisoned in the county jail for three months, and shall be forever barred from teaching school or to hold any office of honor or profit in this State.

(C. L. 1897, §1556, as amended by C. 78, Sec. 1, L. 1901.)

(Co. Supt. for violation will be summarily removed from office.) (Sec. 4848, Code 1915.)

(3) § 4849. Tuition.

A board of school directors or board of education may admit non-resident pupils to the school or schools under its charge, provided school accommodations are sufficient to justify the same, and may determine the rate of tuition for such pupils and collect the same, which tuition shall not be greater than twenty (20%) per cent. more than the average cost per capita for education based on the average number of pupils belonging to the school throughout the previous school term. When non-resident pupils, their parents or guardians, pay a school tax in any district, such pupils shall be admitted to the school of such district, and the amount of such school tax shall be credited on their tuition in a sum not to exceed the amount of such tuition, and they shall be required to pay tuition only for the difference therein.

COMPULSORY SCHOOL ATTENDANCE. (ARTICLE 2.)

- (1) Persons subject to:
- (2) Employed, excused, certificate.
- (3) Part time schools, establishment, hours.
- (4) Part time schools, employment and attendance.
- (5) Rules and regulations part time schools.
- (6) Part time schools, exemption.
- (7) Parents' responsibility, penalty, mandamus.
- (8) Employment, limitations, penalty.
- (9) Enforcement authorities.
- (10) Repeal.
- (11) Reports on school attendance.

BLIND CHILDREN.

- (12) Blind children, school attendance.
- (13) Blind, transportation charges.
- (14) Blind, county superintendent reports.
- (15) Blind, penalty.

DEAF AND DUMB.

- (16) Deaf and dumb, school attendance generally.

(1) Persons subject.

Sec. 1. Children between the ages of six and sixteen years of age shall attend public schools of the State for as many weeks as the public schools in the district in which such children reside shall be in session, except that children actually attending private or denominational schools maintaining courses of instruction approved by the State Board of Education, those physically or mentally unfit or incompetent and those residing more than

three miles from public school houses and to whom no free public means of conveyance to and from school are furnished shall be exempt from the provisions of this act.

(S. B. 102, L. 1919.)

(2) Employed, excused, certificate.

Sec. 2. Children subject to the provisions of this act, between the ages of fourteen and sixteen years, may be excused by issuance of certificate of employment, from full-time public school attendance, by the city or county school superintendents within whose jurisdiction such children reside or are employed, upon assurance that said children are then or in the immediate future shall be definitely employed in some gainful trade or occupation. The certificate of employment shall contain the name, age and residence of the child excused, by whom employed or to be employed, the last grade attended by the child and a recitation that the child is excused from full-time public school attendance until the certificate shall be revoked.

(S. B. 102, L. 1919.)

(3) Part-time schools, establishment, hours.

Sec. 3. Whenever in any school district there shall have been issued fifteen such employment certificates there shall be established a part-time school or class giving instruction for not less than one hundred fifty hours per year and for not less than five hours per week between the hours of 8 a. m. and 6 p. m.

(S. B. 102, L. 1919.)

(4) Part-time schools, employment, attendance.

Sec. 4. Whenever the number of hours for which a child over fourteen years and less than sixteen years of age may be employed shall be fixed by Federal or State law the hours of attendance upon a part-time school or class shall be counted as a part of the number of hours so fixed by Federal or State laws, but nothing contained herein shall affect the right of the employer to reduce the compensation of the child.

(S. B. 102, L. 1919.)

(5) Rules and regulations, part-time schools.

Sec. 5. The State Board of Education shall adopt rules and regulations concerning the establishment of part-time schools and classes.

(S. B. 102, L. 1919.)

(6) Part-time schools, exemption.

Sec. 6. Whenever any school district shall deem it inexpedient to establish part-time schools or classes it shall present to the State Superintendent of Public Instruction the reasons for such inexpediency, and the State Superintendent may excuse the district from the establishment of such part-time schools or classes if he deems such reasons sufficient.

(S. B. 102, L. 1919.)

(7) Parents, etc., responsibility, violation, crime, mandamus.

Sec. 7. Parents, guardians and persons having control of children subject to provisions of this act are hereby made responsible for the public school attendance of such children and any parent, guardian or person aforesaid who shall violate any of the provisions of this act, after any school authority shall have given public notice of the substance of the provisions of this act, upon conviction, shall be fined not less than five dollars nor more than one hundred dollars or imprisoned in the county jail for not less than five nor more than ninety days, and in addition to penalty aforesaid, any parent, guardian or person having control of children subject to the provisions of this act who shall violate the provisions hereof shall be subject to the writ of mandamus at the instance and in the name of county or municipal boards of education or county or city superintendents of schools without consent of the attorney general.

(S. B. 102, L. 1919.)

(8) Employment, liability, limitations.

Sec. 8. Any person, firm or corporation employing a child between the ages of fourteen and sixteen years of age shall permit the attendance of such child upon a part-time school or class whenever any such part-time school or class shall have been established in the district where the child resides or may be employed, and any employer, firm or corporation employing any child over fourteen and less than sixteen years of age contrary to the provisions of this act shall be subject to a fine of not less than five dollars nor more than fifty dollars for each separate offense.

(S. B. 102, L. 1919.)

(9) Enforcement by authorities.

Sec. 9. The school officials charged with the responsibility of enforcing the compulsory attendance laws of this state shall also be responsible for the enforcement of the attendance upon part-time schools and classes in accordance with the terms of this act.

(S. B. 102, L. 1919.)

(10) Repeal.

Sec. 10. That Sections 4960 and 4961, Code 1915, be and the same are hereby repealed.

(S. B. 102, L. 1919.)

(11) Reports on school attendance—Jury charge.

County superintendents are vested with general supervisory powers in this matter and shall require all directors to comply with the provisions of § 4961. Principals or teachers in charge of rural schools in this State shall weekly make a report in writing to the county school superintendent containing the names of all persons having the control of children of school age who have failed, neglected or refused to send such children to school as required by § 4961. The presiding judge of the district courts at each session shall give to the grand jury as a special charge the substance of the law of compulsory school attendance.

(Sec. 35, C. 105, L. 1917, amending § 4962 Code.)

BLIND CHILDREN.**(12) School attendance.**

Sec. 1. Every parent, guardian or person having control or custody of any child who is between the ages of five and twenty-one years, and who, on account of blindness cannot be educated in the public schools, shall send such child to the New Mexico Institute for the Blind at Alamogordo during each school year for the period of seven years, unless such child be taught such branches as are taught in said institute in a private school, at home, or in a similar institution in another state, or unless such child be suffering from physical or mental disability sufficient to incapacitate him or her from attending such institute. It shall be the duty of the superintendent of such institute to see that each pupil in said institution shall have every reasonable opportunity to practice its own religious belief, and that no impediment be placed in the way of such pupil in the practice of their respective religious belief. Provided, that whenever admission to said institute is requested for any child, afflicted with blindness, under five years of age, the board of regents or superintendent thereof is hereby empowered to admit such child, under rules and regulations established by said board.

(C. 33, L. 1915.)

(13) Transportation.

Sec. 2. That the superintendent of such institute, out of the appropriation made for said institute, shall pay for the transportation of such children to and from such institution whenever the parents, guardian or person having control or custody of any such child shall be unable to pay for same. Provided, that said board of regents shall prescribe what portion of said appropriation shall be used for said transportation purposes.

(C. 33, L. 1915.)

(14) County superintendent, reports.

Sec. 3. Superintendents of schools in the several counties of the State, on the first day of August and the first day of January in each year, shall furnish the Superintendent of the New Mexico Institute for the Blind a complete list of all such children in their respective counties, and it shall be the duty of the superintendent of such institute to communicate to the parent, guardian or person having custody or control of each such child the provisions of this act.

(C. 33, L. 1915.)

(15) Penalty, proviso.

Sec. 4. Any person who shall violate this act, upon conviction thereof, shall be punished by a fine of not more than twenty-five dollars or by imprisonment for not more than thirty days. Provided, that this section shall not apply in case the child of any such parent, guardian or other person cannot be admitted to said institute under the rules and regulations thereof.

(C. 33, L. 1915.)

DEAF AND DUMB CHILDREN.

(16) § 5104. Attendance of.

It is hereby made the duty of the clerks of all school districts and boards of education within the State of New Mexico to report to the school superintendent of their respective counties the names, age, sex and residence of all deaf or mute persons of school age residing within their respective districts together with the postoffice address of the parents or guardians of such children, this report to be incorporated in the regular report from such school district at the time provided by law; and it shall be the duty of such school superintendent to at once send a report to the superintendent of this asylum, including the names and addresses of all such children within his county.

It shall then be the duty of the superintendent of this asylum to at once notify the parents or guardians of such children to send the same to this asylum for proper instruction at a time to be fixed by him.

If the parent or guardian of any such child shall make oath that by reason of his poverty he is unable to suitably clothe such child and provide means of transportation for it from its home to such asylum, and the probate judge of such county in which the child lives shall certify that such is the fact under the seal of his court, then and in that case the superintendent of said asylum is authorized to draw a requisition upon the board of trustees for a sufficient amount of money to suitably clothe such child and pay for its transportation to this asylum, which requisition shall be honored by such board and such child shall thereupon be sent by its parents or guardian to such asylum for instruction, and the provisions of section 4960 in regard to compulsory attendance upon the public schools are hereby extended to and made applicable to attendance upon some school for the deaf and the mute, and the school directors of the several districts are hereby required and directed to enforce the same with regard to this asylum in the same manner as is provided by that section for enforcing attendance upon the district schools.

Any failure on the part of any person hereinbefore mentioned to comply with the duties herein provided shall be deemed a misdemeanor and punished as such.

(L. 1899, C. 42, § 4.)

CHAPTER 8.

NIGHT AND CORRESPONDENCE SCHOOLS.

Art. 1. Night Schools. (Page 76.)

Art. 2. Correspondence schools. (Page 76-77.)

NIGHT SCHOOLS (NOCTURNAL).

(ARTICLE 1.)

- (1) Establishment, sessions.
- (2) Instructors, compensation.
- (3) Establishment, sessions.
- (4) Instructors, compensation.
- (5) Repeal.

(1) Establishment, sessions.

Sec. 1. The school directors in every school district in the State of New Mexico, where there may be ten or more illiterate or semi-illiterate persons, may engage their respective teachers to hold nocturnal courses of instructions as are taught in the common school branches of the public schools of the state of at least one hour each night.

(C. 88, L. 1917.)

(2) Instructors, compensation.

Sec. 2. An allowance of five (\$5.00) dollars per month for the first ten students and five (\$5.00) dollars additional for any number over and above the first ten students shall be paid over and above the regular salary in the same manner and form and from the same fund that the teachers' regular salaries are paid, to any school teacher who shall engage in the performance of the duties prescribed in Section 1 of this act.

(C. 88, L. 1917.)

(Following three sections repeal preceding two effective after June 13, 1919.)

(3) Establishment, sessions.

Sec. 1. Whenever there are ten or more illiterate or semi-illiterate adult persons in any rural school district, any municipal school district of an incorporated village or town, or in a ward of any city, who wish to attend a night school, the respective county or municipal board of education may engage a competent instructor to teach such persons at the school house of such district or ward in sessions of two hours each three times per week during the school term thereof.

(H. B. 152, L. 1919.)

(4) Instructors, compensation.

Sec. 2. Such instructor shall receive per month not to exceed fifteen dollars for ten to fifteen, twenty dollars for fifteen to twenty, and twenty-five dollars for twenty or more students regularly attending such night school, to be paid out of the funds of the district in which said school is held.

(H. B. 152, L. 1919.)

(5) Repeal.

Sec. 3. Chapter 88 of the Laws of 1917 is hereby repealed.

(H. B. 152, L. 1919.)

CORRESPONDENCE SCHOOLS.

(ARTICLE 2.)

- (1) Canvassing.
- (2) Applications.
- (3) Permits, revocations.
- (4) Violations.
- (5) Canvassing legal when.

(1) § 5000. Canvassing by correspondence schools, when unlawful, application to State board required.

It shall be unlawful for any correspondence school, business college, or commercial department of any other school, its agents or representatives to canvass prospective students in the State of New Mexico for the purpose of selling to such prospective student or to anyone for the use of such prospective student any scholarship or tuition in advance in such school, or to contract in advance for such scholarship or tuition or to take payment

for the same in money, notes or other evidence of indebtedness before the registration in good faith of such student in such school, college, or commercial department, without the school, it agent or representative first making application to the State Board of Education as hereinafter provided, and receiving from such State Board of Education a permit granting to the school so applying the right to canvass and sell scholarships and to receive tuition in advance.

(L. 1913, C. 77, §2.)

(2) §5001. Application for permit, contents and signature.

The application to the State Board of Education shall set forth the name of the school seeking such permit, its location, the number of instructors employed in such school, the course or courses of study in which instruction is offered, the subjects included in each course, the entrance and graduation requirements for each course, and in addition thereto the applicant shall, upon request of the board, furnish such other information as may be required by such board. The application shall be signed by some authorized representative of the school and shall be accompanied by such fees as may be required by the State Board of Education.

(L. 1913, C. 77, §3.)

(3) §5002. Revocation of permit.

The State Board of Education shall have authority and power to revoke any permit issued by it at its discretion and for cause satisfactory to the Board.

(L. 1913, C. 77, §4.)

(4) §5003. Violation.

Any person who shall violate this article shall upon conviction be deemed guilty of a misdemeanor and shall be fined in a sum not to exceed \$100.00 for each offense, or by imprisonment in the discretion of the court trying the same.

(L. 1913, C. 77, §5.)

(5) §5004. Canvassing legal, when.

Nothing in this article shall be construed to prevent canvassing for students where no scholarship is sold nor fees for tuition are collected in advance or prevent the legitimate advertising of any such school.

(L. 1913, C. 77, §6.)

CHAPTER 9.

HOLIDAYS AND SPECIAL DAYS.

- (1) Arbor Day.
- (2) Washington's Birthday.
- (3) Columbus Day.
- (4) Lincoln Day.

(1) § 2726. Arbor day.

The second Friday in March of each year shall be set apart and known as Arbor day, to be observed by the people of this State in the planting of forest trees for the benefit and adornment of public and private grounds, places and ways, and in such other efforts and undertakings as shall be in harmony with the general character of the day so established. Provided, that the actual planting of trees may be done on the day designated or at such other most convenient times as may best conform to local climatic conditions, such other time to be designated and due notice thereof given by the several county superintendents of schools for their respective counties.

The day as above designated shall be a holiday in all public schools of the State, and school officers and teachers are required to have the schools under their respective charge observe the day by planting of trees or other appropriate exercises.

Annually, at the proper season, the governor shall issue a proclamation, calling the attention of the people to the provisions of this section and recommending and enjoining its due observance. The respective county superintendents of schools shall also promote by all proper means the observance of the day, and the said county superintendents of schools shall make annual reports to the governor of the State of the action taken in this behalf in their respective counties.

(C. L. 1897, §1625 a.)

(2) § 2727. Washington's birthday.

February twenty-second (Washington's birthday) may hereafter be observed by the public schools as a legal holiday. If any teacher or teachers in the rural districts and village schools shall have arranged beforehand a program of exercises by the pupils appropriate for the occasion for such day, the directors of such district shall not deduct any moneys from his salary because of his absence from active school duty on such day.

(L. 1903, C. 119, §20.)

(3) § 2728. Columbus day.

That to commemorate the discovery of America by Christopher Columbus, the twelfth day of October shall hereafter be a legal holiday, and shall be known as Columbus day.

(L. 1912, C. 10, §1.)

(4) § 4862. Lincoln day.

The twelfth day of February in each and every year is established in the annual school calendar to be known as Lincoln day, in honor of the birthday of Abraham Lincoln, and shall be observed with patriotic exercises in the public schools, but such day shall in no wise be construed to be a holiday. It is also provided that when such day shall fall on Sunday or on Saturday, the following or preceding day, respectively, as the case may be, shall be observed.

(Act of Mar. 10, 1905; L. 1905, C. 48, §3, as amended by L. 1909, C. 121, §3.)

CHAPTER 10.

SPANISH LANGUAGE.

(See also Teachers.)

- (1) Teaching of.
- (2) Courses, text books.
- (3) Use of Spanish, English principal language.
- (4) High schools and certain state educational institutions.
- (5) Courses of study.
- (6) Teachers, qualifications.

(1) Teaching, when.

Sec. 1. That Spanish as a separate subject shall be taught in any public elementary or high school in the State when a majority vote of the board of school directors or board of education in charge of such school shall direct. Provided, that the time devoted to such subject shall be such as shall be provided for by the State Board of Education.

(C. 88, L. 1915.)

(2) Courses, text books.

Sec. 2. That it is hereby made the duty of the State Board of Education to prepare an outline of a course of study in such subject and to prescribe text books therefor.

(C. 88, L. 1915.)

(3) Use of English and Spanish languages.

Sec. 3. Except as herein provided, the books used and the instruction given in said schools shall be in the English language; provided, that Spanish may be used in explaining the meaning of English words to Spanish-speaking pupils who do not understand English.

(C. 88, L. 1915.)

(Following sections are effective after June 13, 1919.)

HIGH SCHOOLS AND CERTAIN STATE EDUCATIONAL INSTITUTIONS.

(4) Courses to be taught.

Sec. 1. A course of study of the Spanish language shall be taught in each standard four-year high school of the State, the University of New Mexico, the College of Agriculture and Mechanic Arts, the Military Institute, the Normal University, the Normal School and the Spanish-American School.

(H. B. 154, L. 1919.)

(5) Kind of Courses.

Sec. 2. The course of study for students of the Spanish language in such institutions shall be reading, writing, grammar, spelling, diction and composition. The books to be used shall be those generally used in Spanish schools.

(H. B. 154, L. 1919.)

(6) Teachers of Spanish; qualifications.

Sec. 3. No person shall be employed to teach the Spanish language in any educational institution of the State unless such person shall present to the State Board of Education a certificate or diploma from some authorized educational institution showing that he understands and speaks the Spanish and English languages with sufficient fluency and correctness to successfully teach the Spanish language in any institution of education in the State; or if no such, such certificate or diploma be presented to said Board, then such person shall pass an examination regarding his knowledge of the Spanish and English languages before some competent person, who shall be appointed to conduct such examination by the State Board of Education. If such person shall present certificate or diploma mentioned in this act to the State Board of Education, or shall successfully pass the examination herein required, he shall receive a certificate from said board which shall entitle him to teach the Spanish language in any educational institution in the State for four years from the date thereof.

(H. B. 154, L. 1919.)

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